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THE CASE OF HARRY BRIDGES

MAX RADIN

WHILE this is being written there is still pending before the Secretary of Labor a formal proceeding for the deportation of Harry Bridges, the California director of the Congress of Industrial Organizations on the Pacific Coast and the president of the Western District of the International Longshoremen's and Warehousemen's Union. Mr. Bridges is concededly one of the most important men in the labor movement of the West—indeed, of the whole country. He is bitterly disliked by many industrial and business leaders and by many labor leaders. He has, on the other hand, the complete confidence and enthusiastic support of his own organizations and of a great many men among the rank and file, as well as among the leadership of labor in the West. He is credited with a large share in the general strike in San Francisco of 1934 and has been charged by his opponents with a controlling influence in most of the labor disputes in and around San Francisco during the succeeding five years.

The attempt to deport a person of this prominence is bound to be of first-rate interest to all groups in the community. It is unfortunate that the generally available accounts of the proceedings have conveyed to the public an impression of their nature which is quite incorrect and which may well falsify the public judgment of the result—whatever the final result may be.

It may be said at once that whether Mr. Bridges is, as his sup-

porters believe, one of the great leaders of progressive labor or, as his opponents hold, a dangerous agitator whose purpose is to wreck the political and economic institutions of the country is quite irrelevant for the following discussion. It is merely the nature and effect of the proceedings themselves that will concern us here.

Mr. Bridges is an alien. He arrived in California on April 12, 1920, and has never become an American citizen. As an alien he has a status different from that of a citizen. Like a citizen he is subject to all the laws that do not specifically refer to citizens only—there are very few such laws—and he is additionally subject to all the laws that specifically refer to aliens only. There are a relatively large number of such laws. He is protected by the "equal protection" clause of the Fourteenth Amendment against unreasonable discrimination against him by any state. He is protected by both the Fifth and the Fourteenth amendments against the denial of due process on the part of either the federal or the state governments. This latter protection is intended to secure for him normal rights of person and property.

But there is one thing that may happen to an alien that may not happen to a citizen. He may be deported. That is to say, he may be forcibly removed from the country and taken to any other country that will receive him. This, however, may be done only with "due process of law" since the Constitution establishes this guaranty for aliens as well as for citizens, and "due process of law" in this situation means in accordance with specific statutes passed by Congress, since Congress has complete power to regulate the status of aliens and has done so in several statutes. If any attempt is made to deport an alien except in strict accordance with these statutes, that would be a denial of due process and in any one of several different ways available—chiefly by the writ of habeas corpus—the alien would be protected by the courts against such an unlawful attempt.

The statute in this case is the federal law of October 16, 1918, as amended in June 5, 1920 (8 U.S. Code 137*d*, *e*, *g*). It provides a number of classes of aliens who may be excluded in addition to the general group of nonadmissible aliens. These additional classes may be described as composed of men whose political doctrines are regarded as dangerous. One of these groups (*e*) is composed of persons

who are "members of or affiliated with any organization, association, society or group" that circulates books or documents advocating "the overthrow by force or violence of the Government of the United States or of all forms of law." Subsection *g* provides that "any alien who, at any time after entering the United States, is found to have been at the time of entry or to have become thereafter, a member of any of the classes of aliens enumerated in this section shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in this subchapter." The alien must, as a matter of due process, be granted a hearing if he so desires it. And, since it must be a fair hearing, he will in almost all cases be entitled to be aided by counsel to make sure that all his rights are respected.

Now, the reasons for exclusion and deportation, duly specified in the law, are adequate justifications because the law so states. Congress has the power to order the deportation of all aliens if it chooses or to order the deportation of some and not of others. But some classification would have to be made and the matter could not constitutionally be left to the arbitrary discretion of officials.

Some of the specified reasons involve immoral or criminal conduct on the part of the alien—conduct which would be just as criminal if committed by citizens. But not all the reasons are of this nature. Some are acts which would normally not be criminal in the case of citizens, and it is sometimes explicitly stated by the courts that these acts are quite consistent with high character and complete fitness for citizenship.

The particular act involved in these proceedings is, of course, one that except for special statutes would not be criminal in the case of a citizen, provided that no overt act is done or attempted which would be a crime for other reasons, such as taking part in a riot, committing assault or arson, or destroying property. In many states, on the other hand, including California, there are "criminal syndicalism" or "criminal anarchy" statutes which make it a crime to belong to an organization of this kind, even without proof of an overt act. Whether "affiliation" with such an organization is a crime under these statutes is hard to say because of the difficulties of defining the word.

From what has been said it is clear that a deportation proceeding is not, as such, a criminal proceeding. The alien is not accused of a crime. It is merely asserted that he comes within one of the classes of aliens whom the Secretary of Labor is authorized to deport, if she so chooses. She could not be compelled to act by a writ of mandamus. If without adequate reason she persistently refused to take action, this refusal might be so gross a disregard of her official responsibilities as to amount to an impeachable offense on her part, but it would have to be a wanton neglect indeed to be properly so characterized.

The assistant secretary of labor, Mr. T. W. Battle, in the spring of 1938 issued a warrant which may be quoted in full:

> To the District Director of Immigration and Naturalization at Baltimore or to any Immigration Inspector.
>
> Whereas, from evidence submitted to me, it appears that Harry Bridges who entered San Francisco, California, ex S.S. Isabel on April 12, 1920, has been found in the United States in violation of the immigration laws thereof and is subject to be taken into custody and deported pursuant to the following provisions of law: Act of Oct. 16, 1918, as amended June 5, 1920,
>
> [The warrant then cites the passages of the law already quoted.]
>
> I command you to take into custody the said alien and grant him a hearing why he should not be deported according to law. Pending further proceedings the alien may be released from custody on his own recognizance.

It will be noted that this is not a warrant for deportation. The Secretary may after the hearing discharge the alien from custody or issue a new warrant ordering his deportation.

Under the warrant issued Bridges was arrested on April 25, 1938, and given a preliminary examination by Mr. Gerard Riley, solicitor for the Department of Labor. The hearing was postponed, however, to await the outcome of a case then pending in the Supreme Court of the United States, the case of *Kessler* v. *Strecker*, finally decided on April 17, 1939. Hearings were resumed in August, 1939.

Ordinarily these hearings are held before immigration inspectors as a part of their routine labors. These officials are usually not trained in law, and their findings of fact frequently take the form of a close repetition of the exact wording of the warrant. In view of the special importance of the case it was felt necessary to secure a some-

what more expert examination, and Dean James M. Landis of the Harvard Law School was appointed to conduct it.

Mr. Landis has just (December 29, 1939) submitted his report. His exceptionally able conduct of the examination elicited a great deal of comment and seemed to many observers to suggest highly desirable changes in the ordinary criminal procedure.

For, despite all attempts to differentiate the "examination" from a "trial" it undoubtedly had many of the marks of a trial. Witnesses on both sides were heard and were cross-examined by opposing counsel. Objections as to the propriety and relevance of testimony were raised by both counsel and disposed of by the examiner. Indeed it was so very much like a trial that it was frequently so called by the participants as well as by the newspapers and the pubiic.

But, properly speaking, it is not a trial. The examiner is not a judge and his determination is not a judgment. He does not adjudge the alien to be "guilty" or "innocent" of a deportable offense. In his report to the Secretary he makes "findings of fact," but these are merely his own opinion that the things found are facts, based on his examination of the evidence. The Secretary may accept his opinion or disregard it. If it had been adverse, she would almost certainly, following Departmental procedure, send it to a Board of Review of three Department officials. She may do so in this case. And even the approval or disapproval of the Board of Review is merely advisory. The decision is exclusively the Secretary's. Her conclusions constitute a real judgment on the facts and to a certain extent, as we shall see, a final judgment.

The examiner is not bound by the ordinary rules of evidence which control courts in both civil and criminal cases and make the procedure of trials seem so mysterious and sometimes so irrational to the public. He can admit whatever testimony he thinks will aid his determination. He further takes a much more active part in the examination than most judges choose to take, although they generally have the power to do so.

The net result has been a demonstration that something very like a trial could be conducted in an intelligible fashion and that a trial need not be, as actual court trials are often permitted to be, mere contests of skills between opposing counsel in which the judge is little

better than a secluded umpire. This difference is, as a matter of fact, the striking difference between administrative and judicial trials in general and must seem to modern observers as marked a difference as that which in the early days of the common law distinguished the procedure of the royal courts from that of the old local courts.

But because this is not a criminal trial a number of the incidents of trials are lacking. There is, first of all, no jury and no right to a jury. The alien can be compelled to testify against himself. He may not plead the constitutional privilege against "double jeopardy," i.e., the provision of the Fifth Amendment that a person may not "twice be put in jeopardy of life or limb for the same offense." And, finally, the rule that in criminal procedure the testimony against a man must be convincing "beyond a reasonable doubt" has no application here.

It will be seen that the absence of these incidents could be seriously prejudicial if the examination is conducted by incompetent or prejudiced examiners, since, if the report of the examiner is adverse and is accepted by the Secretary, it is for most purposes final. The normal way for the alien to bring it before a court is to get a writ of habeas corpus returnable before a district court of the United States.

If he does so, the court following the general practice of federal administrative law would merely inquire whether the trial was fair but would not review the evidence. As it is often expressed, it would "try the trial" rather than "try the issues." Consequently, if there was *any* evidence justifying any of the findings of fact even though it was not particularly strong and even though stronger contradictory or contrary evidence had also been adduced before the examiner, the court will not reconsider the question and will accept the conclusion of the Secretary as final.

It is quite true that the courts have frequently said that deportation proceedings were "highly penal" and that the deportation laws should be strictly construed in favor of the alien. Nonetheless, in actual practice, the courts have declared themselves incompetent to examine the weight of evidence unless the inadequacy is so gross as to amount to a denial of due process. There is a distinct impression that, in most proceedings of this kind, the alien receives short shrift and that the matter is almost one of routine.

Certainly that has not been so in this case. The record of the examination runs to eight thousand pages. Mr. Landis' report, so far from being a repetition of the words of the warrant, contains, it is said, seventy-five thousand words. The testimony actually submitted can, of course, not be reviewed here completely, but some of the most important items may be worth noting.

Several persons—notably a Major Milner and a Mr. Leach—testified that they had been members of the Communist party, that they had attended "closed" party meetings, that they had seen Bridges there and that Bridges had taken part in these meetings as though he were a member, and that the other persons present had treated him as a member. Similar testimony was given by a Mr. Harper Knowles. Another witness, Mr. Aaron Sapiro, testified that the leader of the Communist party, Mr. Earl Browder, had asserted that he (Browder) issued orders to Bridges during the general strike on matters of interest to the Communist party. Milner admitted that he had committed perjury in a previous case and that he not infrequently lied and swore falsely in the performance of his duty as an antiradical investigator. Leach admitted that he had previously made an affidavit denying any knowledge of Bridges' Communist connection but declared that he had done so under duress. Knowles had been a paid undercover agent. Sapiro had been disbarred by the Federal Court of New York for tampering with a jury and had been charged elsewhere with suborning perjury.

Testimony was presented by the defense contradicting the evidence of Milner and Leach and Knowles and tending further to discredit their testimony as well as that of Sapiro. Bridges himself testified, unqualifiedly denying his presence at the meetings referred to, and denying the actions imputed to him. He also unqualifiedly denied that he was or had been a Communist in any sense.

On this question, then, the examiner might well have found that Bridges was in fact a Communist, even if the evidence seems to us weak enough and the contradictory or contrary evidence seems vastly stronger. Since some testimony indicating that the alien was a Communist had in fact been adduced and since the examiner might have chosen to believe it, his determination would not be reviewed by the court, if approved by the Secretary.

But membership in the Communist party, even if it were regarded as proved, would not be sufficient to render Bridges deportable, unless it was further shown that the Communist party advocated the destruction of the government or of all governments by force. The evidence advanced to prove this was chiefly the *Communist Manifesto* of Marx and Engels published in 1848 and accepted generally by Socialists as one of the basic documents of their social philosophy. A reference to a conditional and future violent revolution is found in the *Manifesto*. Against this, two members of the faculty of Stanford University testified that they had carefully studied existing Communist theory and this theory did not contemplate any present effort at forcible changes in the government. The publicly announced program of the Communist party contains no statement urging such forcible change.

Here the question before the examiner was whether the statement in the *Communist Manifesto* is to be taken as controlling the beliefs of Communists in the United States today and whether it came within the meaning of the statutory provision. On this matter, however, the trial examiner's finding might be reviewed by the court since it would be rather an estimate about noncontroverted facts than a choice between conflicting testimony.

The Strecker case has been mentioned. In that case the Supreme Court decided, following very strictly and precisely the grammatical structure of the sentences in the statute, that to be deportable, an alien must be a member of the described organization at the time of his arrest. The only testimony in relation to that was the testimony already summarized which deals with the situation a few years before the arrest. It would have been permissible to infer, if Bridges were found to be a Communist in 1936, that he continued to be one in 1938, unless it was shown that he had withdrawn before he was taken into custody.

Dean Landis found that there was no sufficient evidence that Bridges had been a Communist at the time of his arrest or before that time, or affiliated with the Communist party. Since he found those things as facts, it was unnecessary to decide whether the Communist party was one which came within the meaning of the statute. That these findings are amply justified can hardly be disputed. The

evidence offered against Bridges seemed to many observers shockingly inadequate. But we must not forget that under existing procedures the contrary finding would have been just as valid and would probably have been irreversible.

A reorganization of the entire system of dealing with deportations might make less depend on the accident of a specially competent examiner and give due process of law more body and reality. If the finding of facts of the Secretary of Labor is treated as though it were a judgment, it ought to be safeguarded as judgments are. There is, however, no reason why the obstructions and irrationalities of existing trial methods need be introduced into a procedure which is as yet happily free from them.

UNIVERSITY OF CALIFORNIA

NATURALIZATION AND FAMILY WELFARE

WHEN IS A CLIENT A CITIZEN?*

ADENA M. RICH

SOMEWHERE scattered through the bleak streets of Chicago and Cook County are more than three thousand old people who have made known their need of old age pensions but have been told that they are ineligible![1] As in many other states, social security legislation in Illinois has not brought social security to thousands of old people who are suddenly asked to prove their United States citizenship. They have attained the age of "sixty-five years or more"; some of them have lived in the United States all their lives and devoted to it all their working years, only to find, at the end, that the accident of the place where they were born leaves them without assurance of shelter when they are old!

As will appear in Part II, Illinois and states with similar legislation have perhaps employed extra-legal authority in this respect. The federal act which established a system of old age pensions[2] carefully avoids—probably in view of the Fourteenth Amendment to the Constitution of the United States—any specification that applicants for such pensions should be full citizens of the United States. Under the subject "Old-Age and Survivors Insurance Benefit Payments," it provides in section 202(*a*) that "every individual, who (1) is a fully insured individual (as defined in section 209[*g*]) after December 31, 1939, (2) has attained the age of sixty-five, etc. . . . ." shall be en-

* This is the first of a series of two articles by Mrs. Rich dealing with the general subject of "Naturalization and Family Welfare." The second article which will appear in the June number of this *Review* deals with "Doors Closed to the Noncitizen" and with some suggested legislative changes in the naturalization laws which may improve the plight of noncitizen clients.

[1] Figure estimated February, 1940, by the supervisor of the Old Age Assistance Service of the Cook County Bureau of Public Welfare, Chicago. The Old Age Assistance Act of Illinois was approved June 29, 1935.

[2] Public No. 271 (H.R. 7260, 1st sess., 74th Congress, approved August 14, 1935), *U.S. Statutes*, XLIX, 620, as amended by P.A. 379 (H. 6635, 1st sess., 76th Congress, approved August 10, 1939).

titled to receive a benefit. Under the subtitle "Definitions," section 209(*g*) alluded to above, explains the term "fully insured individual with respect to whom it appears to the satisfaction of the Board that . . . . (1) . . . . he attained the age of sixty-five," etc., but omits anything as to citizenship.

Some of these aged men and women really are citizens of the United States, but have found during this four-year period of operation of the Illinois act that they could not prove it. Some are still hoping that they will be able to prove it. Some have found that they actually are not citizens of the United States as they had supposed, indeed firmly believed, for perhaps a whole lifetime! That is a tragic discovery now when they are old and feeble; need friendly care without too many questions asked; and, more than at any other time in their lives, physical comfort and peace.

Some of them are part of the procession now climbing up the steps of the Immigrants' Protective League on Halsted Street in Chicago.

I. CITIZENSHIP QUESTIONS BY THE THOUSANDS

For, from the newest refugee immigrant to the oldest settler in Chicago, questions of citizenship by the thousands are at present pouring into the League. Often they take the simple form: "Am I or am I not a citizen of the United States?" The question is simple but the answer is not! It is the oldest residents of the city, indeed, who most frequently ask that question. And the question which quickly follows—if they find they are not citizens as they had in good faith believed—is: "How then may I secure United States citizenship with the least delay?" It is by no means an idle question for a man to ask whether he is a formal citizen of the United States, for upon that fact now may depend his whole "stake" in the community as well as that of his wife and children—his civil and political rights, on the one hand, and his social and economic rights, on the other.

Such questions pour in not alone from immigrants and their children but from every other direction in the community: from social workers, lawyers, judges, election officials, boards of examiners, newspapers, doctors, business firms, and large industries. For the immigrant has now made his mark in the United States, is in contact with its institutions, has given his contribution to its prosperity and advancement, and is everywhere now a part of American life.

II. HAS THE CITIZENSHIP REQUIREMENT MET THE CONSTITUTIONAL TEST?

It is a question fundamental to the basic principles of the United States as to whether the discriminations now met by the noncitizen in this country would "stand" the constitutional test. The Constitution of the United States[3] provides in the Fourteenth Amendment: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive *any person* of life, liberty, or property without due process of law; *nor deny to any person within its jurisdiction, the equal protection of the laws.*"

Similarly, the constitution of the state of Illinois, like that of various other states, guarantees equality in its Bill of Rights (Art. II, Sec. 1): "*All men* are by nature free and independent, and have certain *inherent and inalienable rights*—among these are life, liberty and the pursuit of happiness."

And in section 19 of the Bill of Rights (Art. II) it is provided that there shall be no distinctions among persons in the words: "*Every person* ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation; he ought to obtain by law, *right and justice freely*, and without being obliged to purchase it, *completely and without denial, promptly and without delay.*"

The constitution of each state bears examination in this respect. The goal of the social worker may lie in specific cases in test questions in the courts, which will construe as to constitutional grounds the legislation new and old which sets up for noncitizen residents barriers to the benefits of the community. Some of these measures have been passed in the heat of a moment of economic pressure, in fear or prejudice perhaps, but chiefly in blindness to the fact that discrimination against the alien results at once in discrimination against his citizen family! Such measures are manifestly short-sighted, antisocial legislation.

It is outside the province of this article to argue the constitutional question as to legal discriminations against the noncitizen. In view of the fact that these discriminations exist, and that the foreign born

[3] The italics in the quoted sections are the author's.

in the United States now meet emergencies on every hand, it is time to face those discriminations themselves, to examine their social significance, and to determine what may be done to mitigate their effects upon family welfare. For the welfare of the family is the welfare of the community at large.

Those clear-cut principles of the constitution of the United States and of the state are lost sight of, for instance, in the questions asked especially by some relief administrators in times of distress. With all the social implications of family welfare attaching, they have come to the Immigrants' Protective League in such forms as these, over the telephone and by letter from other agencies:

1. Must a man be a citizen in order to be granted relief?
2. Can a man become a citizen if he has been given public relief?
3. Will a man be deported if he has been in this country less than five years and is given relief?
4. Can a man who became blind two years after entering the United States through Canada in 1929, become a citizen? If he does become a citizen, and secures a "blind pension" which is public relief, will he be deportable?
5. Is unemployment, when unemployment is the basis for an application for public relief, considered a "cause existing prior to entry," if the applicant is reported for deportation within five years after entry?
6. Is a client who came to this country in 1923, but went abroad for a visit in 1931, deportable if he becomes a public charge now? Is it "causes existing prior to his *first* entry" or his *last* entry that counts? What date counts in securing his naturalization papers?
7. We have an applicant for relief who is an American citizen. His wife, however is not, and came to this country very recently. If she becomes a public charge from causes existing prior to entry, will she be deported and separated from her family?
8. Among our clients are a citizen wife and children whose husband was deported to Belgium. He had crossed the border from Canada illegally in 1930 and married here. He had found no difficulty in securing work at prominent hotels and athletic clubs and took good care of his family. Now that he had been expelled from this country, his wife and family have been left to the Relief Service to support. What kind of plan for family rehabilitation shall we make in such a case?

There is no such thing as a typical answer to these questions. As they are stated, they do not always convey the controlling fact in the case. Usually another series of questions is necessary before a satisfactory answer is possible. But unemployment alone, it may be said

in passing, has been held by the courts as not constituting grounds for the deportation of a noncitizen.

It is not the purpose of this article, however, to answer such specific case questions as these. They are constantly answered as asked, by telephone, by letter, or by interview. This article, in Parts I and II, will attempt to furnish only preliminary basic information by way of reply to the three general questions:

1. What is proof of United States citizenship?

2. Why do so many people who are not United States citizens believe themselves to be citizens of the United States?

3. Why is United States citizenship now so necessary to family welfare?[4]

A later article will deal with remedies for a situation that now hampers the social worker in applying community resources. It will center about the following question: What are the chief obstacles to naturalization that are met at the present time by foreign-born residents in the American community? In what direction may the alien look for help in removing these obstacles?

The relation of naturalization to family welfare is well illustrated by the dilemma of a little old lady first met by the Immigrants' Protective League when her right to vote was challenged at the Chicago Board of Election Commissioners.

III. THE DILEMMA OF A CERTAIN LITTLE OLD LADY

It was from three angles—a relief office, an election clerk, and a state board—that news which she felt amounted to disaster "broke over the head" of this little old lady in Chicago.

The new Permanent Registration Election Law of Illinois demands not only United States citizenship, but proof of that citizenship. The resulting special canvass of Illinois voters as to citizenship has moved like the rake and the harrow, for the ground has been plowed up under the feet of the alien. The men and women whose civic and political rights are thus uprooted, suddenly find that their social and economic rights are likewise uprooted. In this case, the sense of security of this elderly nurse has been swept completely away, at seventy-seven years of age.

She has voted ever since women were granted suffrage and asked

[4] To be discussed in Part II.

help in proving the United States citizenship which she believes she derived from her father. She was born in London and was brought to this country when she was a very small child, two or three years old. Her father was British. She is sure that he became naturalized soon after his arrival in this country while she was still a minor. She knows that he voted in this country all his life. She herself has lived in Chicago for fourteen years and prior to that in Detroit, where she was a nurse.

She has now "come upon hard times," indeed, in trying to live upon a 65 per cent relief budget, reduced to about thirteen dollars per month. When she came to the League's office for assistance in tracing records of naturalization and certificates of registration for voting, it was found that she had walked three miles in order to save carfare and that she has been living on oatmeal for breakfast, coffee for luncheon, and oatmeal for dinner.

The dilemma of this little old lady is this: (1) She cannot under the Illinois statutes—reinforced by the "Searcy Act" of 1939—practice her profession of nursing without United States citizenship. (2) She cannot apply for an old age pension, now that she is almost unable to work, without full United States citizenship. To her, there would be a dignity and protection in an old age pension in view of her long service to the community, which she does not feel in accepting relief, by which she is very much embarrassed. (3) She has not even funds to pay the naturalization fees which would enable her to qualify for either a pension or the practice of her profession. (4) The loss of her right to vote, a civic rather than a social privilege to be sure, has made her feel as if she had lost her last stake in the community. Until her vote was challenged, she confidently believed that she was a citizen of the United States.

IV. UNITED STATES CITIZENSHIP NOT EASY TO DETERMINE

For it is no longer a simple matter to determine whether or not one is a citizen of the United States. Mere conviction that a given individual is a citizen of the United States—no matter how intense the conviction—does not offer proof as to the fact. Many people, on the one hand, who probably are citizens of the United States fail completely when required to produce legal proof. In some quarters

the sworn affidavit of a man or woman is still accepted as evidence of citizenship. In most of his relationships, however, a status once accepted upon the basis of a man's own statement, believed or otherwise, will no longer "stand alone." Legal proof may be required at the Old Age Pension Office, or at a Civil Service window, at a license office, or at a man's place of employment, or at a precinct polling-place.

Some of the laws, federal or state, which bar the alien from certain privileges, now prescribe the nature of the proof of citizenship required. The Immigrants' Protective League is not only continually asked the question as to whether United States citizenship exists in given instances, but also in specific situations, what constitutes acceptable proof, if United States citizenship does exist!

V. WHAT IS PROOF OF UNITED STATES CITIZENSHIP?

The middle-aged foreign-born man who, when asked the question "Are you a citizen of the United States," quickly replies, "Yes, through my father" or "Yes, by act of Congress," will probably be required to establish a long line of pertinent facts:

1. That his father is or was a citizen of the United States.

2. His own date and place of his own birth, to show that he was a minor under twenty-one years of age when his father became a citizen of the United States.

3. If born abroad—in future under the present "Children's Citizenship Act"—if "one of the parents is an alien" that he came to the United States in his minority and has resided "therein for at least five years continuously immediately previous to his eighteenth birthday, unless," etc.[5]

4. That he is the son of the man whom he claims to be that father.

5. Should the special question arise, that he is not the adopted son.

6. That his father did not expatriate in such a way as to affect his son's citizenship.

7. That he—the man himself—has not been expatriated, as is so frequently true. For citizenship may be lost, as well as gained or not gained, through another.

[5] Act of May 24, 1934, *U.S. Statutes*, XLVIII, 797.

VI. A LAWYER'S QUESTION: CITIZENSHIP AND ITS PROOF IMPORTANT IN A DEPORTATION CASE

Such facts are, for instance, at once pertinent in a deportation case in which a lawyer asks the following question:

Giovanni came to the United States in March, 1925, upon a United States passport. His father, Vincenzo, was naturalized October 11, 1893, in Cook County. The father went back to Italy in 1900 where he died in 1911. When Giovanni came over in 1925 he went to the naturalization office and asked for citizenship papers. There they told him he was a citizen by virtue of his father's naturalization. A recent W.P.A. application was refused for lack of citizenship.

Does the Immigrants' Protective League think that Giovanni is a citizen of the United States?

In the first place, an American passport in itself is not proof of United States citizenship. It is merely evidence toward United States citizenship. The United States Department of State sometimes changes its mind as to citizenship even after the American passport has been issued and used.

In the second place, since the father lived in Italy for eleven years after his naturalization in the United States and never resumed residence in the United States, he probably lost his United States citizenship. The 1907 Expatriation Act[6] provides that "when any naturalized citizen shall have resided *for two years in the foreign state from which he came*, or for five years in any other foreign state, it shall be *presumed* that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years." If the father did lose his United States citizenship by residence abroad, his son also possibly lost the potential United States citizenship which he would have derived from his father.

The pivotal question is the date of birth of the son and his age, first at the time of his father's naturalization in the United States and, second, at the time of his father's expatriation. If he was "of age"—twenty-one years or over—when his father lost his United States citizenship, there are reasonable grounds for contention that the son did not thereby lose his derivative United States citizenship.

[6] Act of March 2, 1907, sec. 2, *U.S. Statutes*, XXXIV, 1228. The italics in the quoted section are the author's.

The old federal act of 1855[7] specified that "all children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States."

The Expatriation Act of 1907[8] provided a certain protection of citizen children born abroad of citizen fathers, by specifying:

> All children born outside the limits of the United States who are citizens thereof in accordance with the provisions of Section 1993 of the Revised Statutes of the United States, and who continue to reside outside the United States, shall in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

Perhaps at eighteen the young man did not record his "intention to become a resident and remain a citizen of the United States." Perhaps at the age of twenty-one he did not realize that he must go to the nearest United States Consulate in Italy and "take the oath of allegiance to the United States."

Even if he did not expatriate himself, he may, through his father's expatriation, still not be a citizen of the United States. It is necessary upon that point to try to find the necessary evidence in the records of the United States Department of State.

VII. THOSE "BELIEVING THEMSELVES TO BE CITIZENS"

How to prove United States citizenship if it exists is one question. There are reasons why a belief that United States citizenship does exist may be involved in that proof. Chicago, like thousands of other communities in the United States, is full of people who have thought that they were citizens of the United States, until it has become necessary to furnish documentary proof of citizenship. Determination as to whether an individual is or is not a citizen of the United States is often impossible for anyone who is not familiar with the federal laws as to citizenship, nationality, and naturalization. It is a field in which generalizations are seldom accurate, and never safe. It

[7] Act of February 10, 1855, amending Act of April 14, 1802, sec. 1993; or *Rev. Stat., 1878; U.S. Code*, Title VIII, sec. 6.

[8] Act of March 2, 1907, sec. 6, *U.S. Statutes*, XXXIV, 1229.

is frequently difficult, it is admitted, even for officials of the United States Department of Labor, which administers the Naturalization Law; for the United States Department of State which constantly makes rulings as to immigration status and as to citizenship status; for the federal courts in the United States, which are constantly called upon to construe the tangled statutes relating to naturalization and nationality to decide matters of citizenship.

1. *Value of the citizenship certificate as a document.*—The situation is least complicated for the man or woman who has been naturalized in his or her own right, unrelated to derivation of citizenship through a parent or husband. Two documents which indicate partial or complete citizenship are issued to the man or woman who applies for citizenship through naturalization and who succeeds in establishing eligibility; these are the Declaration of Intention and the Certificate of Citizenship. A declaration is, however, often mistaken for a certificate. Nor is this mistake merely the result of "wishful thinking." The complicated requirements and provisions of the laws of naturalization and citizenship are by no means understood by many of those who desire to become citizens of the United States.

If naturalization is of comparatively recent date, the declaration or the certificate will probably be in the client's possession, in the "inner pocket of a best coat," in a locked trunk, framed on the wall of the home, or possibly in a safety-deposit box. Certificates in picture frames are frequently brought to the office of the Immigrants' Protective League, especially for use in application for derivative citizenship.

If naturalization took place some years ago, the precious certificate may have been lost, destroyed by fire or flood, or, more rarely, stolen. Tracers by the thousands, filed with the United States Immigration and Naturalization Service, are "out" at the present time, in some effort to locate the original documents upon which also hangs the status of the members of thousands of families in this country. For this use the United States Department of Labor has devised a special form (329A),[9] which may be routed to the Washing-

[9] Copies of this tracer, which is useful to social workers everywhere but often unfamiliar, may be secured by writing to the U.S. Commissioner of Immigration and Naturalization, Department of Labor, Washington, D.C., requesting "Form 329A," "Form To Be Filled Out by Person Who Desires Search for Record of Naturalization."

ton Office or may be routed from one district to another of the United States Immigration Service.

Social workers everywhere will also find useful the form upon which application is made for a naturalization certificate which has been "lost, mutilated, or destroyed" (Form 2600).[10] It is only recently that provision has been made for proof in such instances. The filing of an application for such a new certificate entails a fee of one dollar, but is a comparatively simple process in naturalization.

2. *Lack of birth certificates in the United States.*—It is the American-born man or woman, however, who may have the greatest difficulty in proving his or her United States citizenship. He or she may or may not possess a birth certificate. In fact, the American-born adult usually does not have such a certificate. Instances are not uncommon of men and women born in the United States who are entirely unable to secure *any* evidence whatsoever to establish that fact. "Birth registration" is comparatively new in the United States and is still incompletely carried out in many states of the Union, especially in the Southwest. In the restrictive provisions everywhere surrounding the "foreigner" now entering or living in the United States, this country has brought troubles, indeed, to its own "first families." For the more "native" they are, the more difficult it may be to prove their origin. Such requirements may work in inverse ratio. So they often do, for example, for the original "Americans," viz., American Indians. Those born "within the territorial limits of the United States" were at a late date[11] finally declared to be citizens of the United States. Social workers from agencies in states along the Canadian border have special difficulties in the citizenship problems of American Indians, as is illustrated by the question of a resident of Chicago whose home had been in North Dakota. He feels that the status of "ward" of the United States is less advantageous than is that of the proverbial "stepchild."

THE CITIZENSHIP PROBLEM OF AN AMERICAN INDIAN IN CHICAGO

The mother of this client was a Cree Indian; his father partly of the Black Feet tribe. These parents were American-born Indians and lived on their home-

[10] The Naturalization Amendment of March 2, 1929, as amended April 19, 1934, provides (sec. 9) for the issuance of such a duplicate, *U.S. Statutes*, XLV, 1515; XLVIII, 597.

[11] Act of June 2, 1924, *U.S. Statutes*, XLIII, 253.

stead in North Dakota. The man himself was however born in Canada sixty years ago at St. Boniface, a suburb of Winnipeg, where his mother had gone temporarily for obstetrical medical care at the time. She was in fact away from her home in the United States only one month.

He had always wished for proof of the United States citizenship to which he felt entitled under the 1924 Indian Citizenship Act, and under the old provision of the United States Naturalization laws which declared, "that all children heretofore born or *hereafter born out of the limits and jurisdiction of the United States*, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States."[12] Since his father had always lived in the United States, he felt that his own citizenship rights *did* "descend"! His *father's* United States citizenship was in itself insured although *not* so at the time of his birth, under the terms of that general Indian Citizenship Act of June 2, 1924,[13] which provided "that all noncitizen Indians *born within the territorial limits* of the United States be and they are hereby, declared to be *citizens of the United States;* provided that the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property."

Soon after the passage of this Indian Citizenship Act, therefore, which conferred United States citizenship upon his father, he made inquiries about his own status. He was told in 1925, that he was not a citizen of the United States, and immediately, then, filed his Declaration of Intention. In 1930 he made application for his "Second Papers." His Petition for United States citizenship was refused, and he was also told that he is not a citizen of the United States. In the emphatic belief that he is a citizen of the United States, he has been voting for many years in Chicago, until his right as a citizen to vote was challenged under the new Illinois Permanent Registration Election Law of 1936.

There is now, for most foreign-born in such a situation, a special naturalization process by means of which they may determine United States citizenship, namely, through application for a Certificate of Derivative Citizenship. A certain naturalization amendment now provides that "any individual over twenty-one years of age who claims to have *derived* United States citizenship through the naturalization of a parent or a husband may, upon the payment of a fee of $5.00 make application to the Commissioner of Immigration and Naturalization, accompanied by two photographs of the applicant, for a certificate of citizenship."[14]

When he was called to the Chicago Board of Election Commissioners to prove his right to the franchise, he met there the Assistant Director of the Immigrants'

[12] Act of April 14, 1802, as amended by Act of February 10, 1855, sec. 1993. This act was further amended on May 24, 1934, *U.S. Statutes*, XLVIII, 797.

[13] Act of June 2, 1924, *U.S. Statutes*, XLIII, 253; *U.S. Code*, Title VIII, sec. 3.

[14] Act of March 2, 1929, sec. 9, *U.S. Statutes*, XLV, 1515, as amended by Act of April 19, 1934, *U.S. Statutes*, XLVIII, 597.

Protective League, in charge of a Special Project in Naturalization and Citizenship carried on by this private social agency at the request of the Commissioners. She explained to him that the filing of an application for a Certificate of Derivative Citizenship, probably would not be possible, inasmuch as he would probably not be considered racially eligible to naturalization—not being "free white, or of African nativity or descent," and that in all probability only a Special Act of the Congress could make him a citizen of the land of his forefathers!

He has had an excellent education, it may be said, at Indian Schools of Higher Education in North Dakota, before he came to live in Chicago. The right to vote in a democracy is, he feels, paramount to all rights in the United States!

The United States has been even more careless, perhaps, with the vital records of its "Mexican children" in Texas, Oklahoma, and Arizona. Birth registration, even if adopted as a public system, has not been well practiced, for instance, in certain states of the Southwest. The waves of migration within the United States when European immigration was reduced, brought workers from the southern to the northern states. Consequently, the failure at first of the birth registration system in Texas, for example, has brought serious practical problems to the social worker in Illinois. Matters once considered of mere local community concern have indeed become, in view of the movement of peoples across the country, of national importance.

ANOTHER AMERICAN-BORN RESIDENT OF CHICAGO WHO ASKS HELP IN THE DIFFICULT PROOF OF UNITED STATES CITIZENSHIP

The difficulty in proving United States citizenship is illustrated by the situation of another resident of Chicago, a fine looking woman who came from the Southwest. She is evidently an "American" citizen by birth. She believes that her mother also was born near an Indian Reservation in Arizona, since she was often told "If anything happens to you, go over the mountains to your own people, for you are an Indian." But instead, she may be Mexican as to racial descent.

She was orphaned at an early age, and her only surviving relative, a brother, was killed in the Indian insurrection of 1911 when the Indian lands were incorporated into a new state in the Union. The guardian who befriended her died in a mine disaster. The family with whom she subsequently made her home was not kind, so that she ran away with a circus and became a migrant. Her documents of identification were destroyed in the Pueblo flood.

She is now, however, happily married to a Mexican in Chicago, and is licensed by the State Department of Public Welfare to give foster care to Mexican chil-

dren. Proof of her birth is being sought by the United States Bureau of Indian Affairs but it will be difficult to secure, since she was not born on the Reservation; does not know her mother's family name; and a town now stands where her father's father seems to have owned a plot of land. If she cannot secure proof of her birth in this country, her husband and she will both be compelled to start at the very beginning of the naturalization process and apply for "First Papers," in spite of the fact that everything except legal proof points to her citizenship by birth!

3. *Long residence in the United States.*—The very fact of long residence in the United States has contributed to the natural feeling on the part of many that, whether or not they had formally taken out "their papers," they had become, in fact, part of the country. One old man said he had never become a citizen because "nobody ever invited me to be." These long-time residents of the United States are not only from aboriginal, but often from "original settler's stock." They are part of the first, the older immigrant groups, English, Scotch, Irish, German, Norwegian, Danish, Swedish who were brought to this country as small children and have thought because they have lived here all their lives and know no other home, because they speak no language except English, that they must be citizens of this country.

4. *The World War veteran's assumption that he is a citizen of the United States.*—Veterans of the World War usually believe because of that fact alone that they must be citizens of the United States, having in so many cases risked their lives for this country.

An Italian-born veteran, for instance, arrived in the United States at the age of three, and has lived in Chicago all his life. He believes that his father became a citizen before his own twenty-first birthday. But his father died thirteen years ago. When or if the father's Naturalization Certificate is verified, this man will know his own status as a citizen. He served in the United States Army in the war and thought there would never again be any question as to his citizenship. He married "an American girl" in 1921. If he was not an American citizen then, she lost her own birthright. There may be two noncitizens to aid in this family.

A veteran's wife, born in a part of former Austria, which later became a part of Czechoslovakia, arrived in 1900 and derived United States citizenship from her father. She lost it when she married a noncitizen in 1919. Because he is a veteran, she thought him a United States citizen. But he is now in Elgin State Hospital, suffering from the effects of the World War. If his certificate finally cannot be traced, his wife will if possible be assisted to file her petition under the so-called "Misinformation Clause" of the Naturalization Law. Whether she "erroneously exercised the rights and performed the duties of a citizen of the

United States in good faith, prior to *July 1, 1920*" will be a question, however, in as much as the federal Woman's Suffrage Act was ratified *August 26, 1920*, and the pursuant Illinois Act was not passed until April 29, 1921. Their limited Woman Suffrage was not of wide interest to the women of Illinois before that time. Probably this veteran's wife did not vote before July 1, 1920. The Election Board will trace that record. If she did not vote prior to July 1, 1920, and if her husband is found not to be a citizen, she must begin the long process of naturalization to recover the citizenship which she enjoyed for twenty years.

"Why, I could have been a citizen only by being sworn in during the war," said one veteran, "but I thought I was already a citizen through my father. If I'm not good enough to be a citizen after I've voted all my life, paid my taxes, and fought two years for this country, they can go to Hell. I don't want to be a citizen of such a country." It is important for a naturalization advisor to sit down and "talk it over" carefully with a man in that frame of mind and to assist him to take the steps which may be necessary.

There is once again in effect at the present time a somewhat simplified naturalization process for World War veterans.[15] Each of the previous six little dated acts which were passed by the Congress upon this matter expired by limitation in one or two years after passage. The last was in effect only nine months, from August 23, 1937, to May 25, 1938. The present act has eleven months of life, but will expire on May 25, 1940. Its benefits are limited so that, unlike certain of the previous measures which aided veterans who served with the Allies in the World War, this act assists only those who served with the "American Forces."[15] Such legislation does not serve its own purpose. It has been compared by one well-known federal official who administers the laws of citizenship and naturalization to the trainman's report upon wrecks: "Off again, on again, gone again. Finnegan!" A naturalization amendment should make comprehensive, permanent provision for these men who have risked their lives for the United States.

5. *Proof of derivative citizenship.*—The two stories of America's original Indian settlers illustrate the difficulties in proof of derivative citizenship. The children of citizens may not seriously have needed such proof while they were children, unless the fact pertained to a passport, but now when they are adults, having lived in the United States all their lives, they are now finding by the thousands, to their very great disadvantage, that proofs of their derivative citizenship

[15] Public Law 146 (H.R. 805, Lesinski, Mich.), approved by the President, June 21, 1939.

usually do not exist. Wives who derived citizenship through citizen husbands by marriage prior to September 22, 1922, experience the same embarrassment. Wider use will certainly be made of the 1929 Naturalization Amendment[16] providing for certificates of derivative citizenship, as its existence becomes known. Most people who might profit by it have never heard of it. The line of facts needed to substantiate it is that previously indicated under the topic "What Is Proof of United States Citizenship." Under the April 19, 1934, Naturalization Amendment, such a wife or adult child may pay the fee of five dollars and apply for a Certificate of Derivative Citizenship. Here again, after the above facts are determined, the form of the application itself is one of the straight processes in naturalization and citizenship.[17]

6. *Expatriation by travel abroad or enforced military service.*—The "lawyer's question in a deportation case" described above,[18] illustrates the problem of certain residents of the United States who may unwittingly have expatriated and, perhaps, by so doing have also unwittingly expatriated their wives and children as well. For naturalized citizens who have traveled abroad, as thousands have done since the World War, considerations as to whether they have or have not been expatriated during their visits to homelands often require months of correspondence with United States consulates in foreign countries and with the United States Department of State at Washington before their United States citizenship can be determined. The lawyer's question also indicates the general terms of the 1907 Expatriation Act through which a naturalized citizen presumably expatriates himself by residence abroad "for two years in the foreign state from which he came, or for five years in any other foreign state."

There are, however, other ways than mere foreign residence through which naturalized citizens of the United States may expatriate themselves. Failure to vote in a plebiscite provided for limited periods when boundaries were changing after the World War, or

[16] *U.S. Statutes*, XLV, 1515; XLVIII, 597.

[17] Copies of this Form 2400 may be secured by writing to the U.S. Commissioner of Immigration and Naturalization, Department of Labor, Washington, D.C., requesting "Application for Certificate of Derivative Citizenship."

[18] See above, p. 17.

provided under various treaties, such as the Treaty of Trianon, has expatriated many a national—often unwittingly. An oath of allegiance to a foreign country presumably expatriates the United States citizen. Such a step is usually *not* taken unwittingly. But it may be taken under duress as in connection with enforced military service abroad. If taken under protest it is something of an open question as to whether a man has or has not lost his United States citizenship. It is the United States Department of State and the United States Department of Labor that decide.

Situations in the United States out of which such questions arise are illustrated by the case of another Italian-born resident of Chicago whose citizenship status has been questioned by the Works Progress Administration.

FATHER OF AMERICAN-BORN CHILDREN FINDS HIS UNITED STATES CITIZENSHIP IN JEOPARDY

This "head of the family" has lived in Chicago for eight years. He is a skilled mechanic and worked for six years as an assembler for a radio concern. Then his employment came to an end and he was forced to apply for W.P.A. certification in 1938. Because of his education in Italy, he was assigned to a mechanical project as a junior clerk. Under the 1939 Federal Act specifying United States citizenship as a qualification, his statement as to citizenship was challenged.

He has never doubted that he is a citizen of the United States. He felt that the United States Department of State had thoroughly examined his status when it issued an American passport to him in 1931 when he came to the United States. He was born in Italy. But his father had lived for years in the United States and had become a full citizen of the United States in a Court of Common Pleas in North Carolina back in 1903 before he was born.

When he was twenty years of age, in 1928, he was, however, called to military service by the Italian Government. He went to the United States Consulate in Rome to protest. The Consulate promised protection. He was, however, inducted into the Italian service under protest. Upon his discharge in 1929 he appeared again at the United States Consulate, explained that he had served against his will, and applied for an American passport. It was granted to him in October, 1931. He was twenty-three years old at the time. He traveled to the United States, married and settled down in Chicago, in the confident belief that he is a citizen of the United States. Now, when asked to prove it in order to hold his W.P.A. assignment, the action of the United States Department of State in granting him an American passport in 1931 is in effect brought into review by another arm of the United States government! If he loses it by a new interpretation of his status, his two little American-born children and his wife will suffer.

United States citizenship must be made less fugitive, if social importance which determines the family's food and shelter is to be attached to it!

7. *Children of naturalized citizens.*—The situation of "children" living in the United States now grown to manhood and womanhood, especially of Canadian or Italian parentage, in whose families there is frequent travel, who actually did derive citizenship through a father's naturalization in the United States, has been critically affected by a certain ruling of the attorney-general of the United States, and a consequent ruling of the United States Department of State, in effect for a time. If that father went back to his native land and stayed long enough there to expatriate, this ruling has held that his minor children probably also expatriated. But many of them had returned to the United States on American passports before the Department of State decided upon that interpretation of the naturalization law. The legality of their status here has been questioned in more than one connection, so that they and their young families, often American born, live in fear of deportation. Some assistance to this particular group of potential expatriates—modern men and women who are perhaps without a country—has been proposed in certain congressional legislation. Senator Elbert Thomas' bill[19] in the Seventy-fifth Congress, for instance, would have clarified their position. It provided

> that hereafter no *native-born* citizen of the United States shall be deemed to have heretofore been expatriated, or to hereafter be expatriated, during years of minority, by reasons of the expatriation of either parent, or by the act of anyone in the behalf of such *native-born minor*, notwithstanding any provision of any law of any foreign country in which residence may be, or has been, established by such *native-born minor*, or by those purporting to act in the behalf of such *native-born minor*.[20]

This measure, it is noted, would, however, have applied only to "native-born minors." The foreign-born children of naturalized parents are in similar need of protection. Such a federal amendment would have made unnecessary a recent decision of the United States Supreme Court[21] in the case of an American-born child who was taken to Norway to visit in the homeland of her naturalized parents.

[19] S. 1169 (75th Cong.). This bill did not pass.

[20] The italics in the quoted section are the author's.

[21] 307 U.S. 325, 593. Ct. 884. Decided May 29, 1939.

THE CASE OF MARIE ELIZABETH ELG

Marie Elizabeth Elg was born in New York City on October 2, 1907. Her parents, natives of Sweden, were at the time of her birth American citizens, the father having been naturalized in 1906. In 1911 the mother returned to Sweden to live there, taking with her Marie Elizabeth, then four years of age. The father remained in the United States till 1922, when he also went to Sweden, where he has lived ever since.

In 1929 Marie Elizabeth Elg, having just attained her majority, applied for an American passport. Her application was transmitted to the Secretary of State and upon his express written instructions the American Consul at Göteborg, Sweden, issued her an American passport. On September 17, 1929, within one year after reaching majority, Marie Elizabeth Elg returned to the United States and was admitted at the Port of New York as an American citizen. She has lived in this country ever since.

In April, 1934, the immigration authorities instituted proceedings against Marie Elizabeth Elg, claiming that she had lost American citizenship on July 25, 1924, when under Swedish law her father resumed Swedish citizenship and that her entry as American citizen in 1929 was therefore illegal. In November, 1934, her father surrendered his certificate of naturalization to the American Consulate in Sweden and renounced allegiance to the United States. In April, 1935, she was formally notified by the immigration authorities that she was an alien illegally in the United States and she was ordered to leave the country. Her deportation was however stayed from time to time pending final determination of her case by the courts. It should be mentioned that in July, 1936, she applied for another American passport but the State Department refused her application "on the ground that, because of the residence of her father in Sweden since 1922, without the intention of returning to the United States, the Department considered that he had renounced his American citizenship and reacquired Swedish nationality, and that because of her residence with her father she too had lost the one and acquired the other."

[Marie Elizabeth Elg brought suit in 1937, through her attorney Henry F. Butler of Washington, D.C.], in the United States District Court in the District of Columbia against the Secretary of Labor, the Commissioner of Immigration and the Secretary of State. She asked the court for a declaratory judgment as to her American citizenship. In addition she asked that the Secretary of Labor and the Commissioner of Immigration be enjoined from carrying out the threat to deport her and that the Secretary of State be enjoined from officially holding her not to be a citizen of the United States and from refusing her a passport. The District Court handed down its decision in her case on November 1, 1937, and . . . . held that Marie Elizabeth Elg is an American citizen: "I do not think that the fact that her father may have become a citizen of Sweden, can deprive her of her rights as a natural born citizen of the United States, even though under the laws of Sweden she may be treated in that country as a citizen of it." It dismissed the

bill as to the Secretary of State on the ground that the issuance of a passport is a matter within his discretion, but upheld it as to the Secretary of Labor and the Commissioner of Immigration.

The Secretary of Labor and the Commissioner of Immigration and Naturalization appealed from the foregoing decision and a cross appeal was also taken by Miss Elg. The [United States Circuit] Court of Appeals on August 1 [1938] upheld the lower court's decision: "We think the decision of the lower court is in all respects correct. . . . . If we concede that under Swedish law appellee became a naturalized Swedish citizen during her minority residence in that country, we should have only what is well known in international law as double citizenship, and whatever effect that status might have on appellee's right to call on the United States for protection while she remained abroad, it would not affect her right of election when she reached her majority to claim and resume her American citizenship and return to the United States. Or, stated differently, even if we assume that a naturalized American citizen by abandoning his residence in this country and by returning to the country of his birth *animo manendi*, ceases to be a citizen of the United States and that his minor child born in the United States partakes during his legal infancy of his father's restored nationality, such child nevertheless, upon becoming *sui juris*, has the right to elect to retain his American citizenship—and such election, which is best evidenced by a return to the United States, restores his original status as a citizen of the United States. . . . ."

Declaring Marie Elizabeth Elg to be an American citizen the Court further said: "We are, therefore, of opinion that when in 1929, upon a full disclosure of all the facts set out herein,—as the bill declares was the case, the State Department of the United States issued to appellee a passport to return to the United States as an American citizen, it acted properly and in accordance with the law. In our opinion appellee is a natural born American citizen whose right to all the privileges of citizenship—whether or not, as far as concern diplomatic protection, it be considered as suspended during her minority and sojourn in a foreign country—was in full effect when on her majority she applied for and received her passport. We are, therefore, of opinion that she was properly admitted into this country and, as the lower court held, is entitled now to be free of molestation."[22]

Again the government appealed the case and in 1939, the United States Supreme Court finally upheld once more, the decisions of the lower courts in declaring that Marie Elizabeth Elg did not expatriate by residence abroad, but is still as she was at birth, a citizen of the United States.[21]

[22] Quoted from Foreign Language Information Service, *Interpreter Release*, September 20, 1938, pp. 311–14.

This is a very important and timely decision of the United States Supreme Court with respect to expatriation of minors. It is having the effect of changing, in part, the ruling of the attorney-general and the interpretations of the United States Department of State in a number of cases. It may not, however, cover foreign-born minors. An amendment to the federal laws of naturalization and citizenship is the only adequate way of safeguarding children, whether native or foreign born, of naturalized parents from involuntary expatriation.

Two other facts should be pointed out with respect to the children of naturalized parents. Adopted children do not derive United States citizenship from the foster-parents who adopt them. Nor are they entitled to the nonquota immigration privileges of the "own" minor children of citizens of the United States.

With respect to children born out of wedlock, it may be said that although they have under the laws of the United States usually derived citizenship from their mothers, it is only since the Act of May 24, 1934, that the derivation of citizenship from either parent has been equally recognized by federal statute, and then, only in relation to the residence of those children here or abroad, and in the light of whether their dates of birth are before or after the passage of the act. There should be specific amendments in the federal immigration and naturalization laws to protect equally with other children, those born out of wedlock and those adopted by foster-parents. Partial cognizance of the need is taken in the new proposed Nationality Code upon which the President's Committee[23] has reported and in the pursuant bill now pending in the Congress.[24]

8. *Effect of the Cable Act and the federal Woman's Suffrage Amendment.*—Questions as to the derivation of United States citizenship and the loss of United States citizenship of children are closely akin to questions of citizenship and expatriation also for the wives of citizens of the United States. For American-born women who lost

[23] *Codification of the Nationality Laws of the United States,* Parts I, II, III; *A Report Proposing a Revision and Codification of the Nationality Laws of the United States,* prepared at the request of the President of the United States, by the Secretary of State, the Attorney-General, and the Secretary of Labor (Washington, D.C.: United States Government Printing Office, 1939).

[24] "Bill To Revise and Codify the Nationality Laws of the United States" (H.R. 6127, 76th Cong.).

United States citizenship if they married noncitizen husbands between March 2, 1907, and September 22, 1922, the question as to their expatriation is often not clear to the women themselves. They may, in fact, not only have lost one nationality but may not have gained any other nationality in its place, so that they are women without a country. The numbers of *staatenlosen* persons in the United States have greatly increased since the passage of the Cable Act providing "independent citizenship for married women."

Foreign-born women, on the other hand, who married United States citizens subsequent to September 22, 1922, or whose husbands were naturalized subsequent to the passage of that Cable Act, are often found to be erroneously under the impression that they acquired citizenship through their husbands. The results of this act are of doubtful value to American women. The Cable Act has never been an advantage to foreign-born wives.

The only remedy for the problems to which the Cable Act has given rise, is to begin all over again, and for the larger numbers of foreign-born than American-born women whom it affects—to proceed upon the principle that "independence" as to citizenship means far less to them than unity of citizenship within the family group. The effect of the Cable Act upon foreign-born wives is to keep them not only "foreign" from the standpoint of their status in the United States, but stateless as well.

The fact that the United States did not pass the federal Woman's Suffrage Amendment until after the war is one of the reasons why many of the older foreign-born women resident in this country have not until recently, seriously considered "taking out their own papers." They found when they settled in the United States that even if they did, they could not exercise the franchise and vote upon an equality with their husbands.

THE EXPLANATION OF A WOMAN FROM LUXEMBOURG

The explanation of a woman from Luxembourg who had been brought to the United States by her mother, a widow who had emigrated in the early eighties and brought over her children one by one, is probably typical of many. Her sisters became citizens when they married citizens before 1922. Her brother secured his own Certificate. When their mother died, she left the house to this last daughter. The brother tried to prevent her from selling the house by telling

her that she had no right to own property because she is a "foreigner," and that if she persisted, he would have her deported.

She came to the Immigrants' Protective League office for advice, where she was assisted in an application for her "First Papers." When the required two years has elapsed between her Declaration and Petition, she will complete her citizenship. She has an alert mind, speaks English fluently. "I never applied for naturalization papers before," she said, "because when women could not vote, you did not think of taking out papers. Then, when the law was changed, you felt embarrassed, especially when you were as old as I am, and have lived all your life in the United States and never thought of yourself as anything but American."

VIII. INCONSISTENCY OF STATUTORY DATES RESULTS IN DISCRIMINATION AGAINST THE WOMAN VOTER

Dates of various federal acts militate against women in their problems of naturalization and citizenship.

1. The federal woman suffrage amendment, the Nineteenth Amendment to the Constitution of the United States, providing that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex," was ratified by the states and, as was noted in the story of the "veteran's wife,"[25] became effective on August 26, 1920.

2. The various states of the Union followed with individual measures granting women the right to vote within the state, such as the Woman Suffrage Act of Illinois, which was passed by the General Assembly on April 29, 1921. Illinois, to be sure, had in 1891 granted women the right to vote in school matters; in 1913, the right to vote in city elections and for certain "nonconstitutional officers" of the state. But this limited suffrage was little understood and little used by the women of Illinois.

3. The Cable Act providing "independent citizenship for married women," was passed on September 22, 1922.

4. The "Misinformation Clause"[26] of the federal Naturalization Law is intended to provide a remedy for persons who in good faith believe themselves to be citizens. The clause was enacted in war time and by amendment and addition, on May 9, 1918, became a

[25] See above, p. 23.

[26] Sec. 4, tenth, Naturalization Act of June 29, 1906, as amended, *U.S. Statutes*, XL, 545; XLVII, 167.

part of the foregoing basic Naturalization Act now in effect. As originally enacted, it provided for such a person only if he or she had "resided uninterruptedly within the United States during the five years next preceding July 1, 1914, and was on that date otherwise qualified." The Naturalization Amendment of May 25, 1932, revised the foregoing date to read instead, July 1, 1920.

The fact that this is "dated legislation" relating to a five-year period of residence "next preceding July 1, 1920" not only seriously limits its usefulness at present for the purpose intended but also works a direct discrimination against women as voters, because it is in no way "synchronized" with the other acts relating to women's "exercise of the rights of citizenship." This Misinformation Clause might at least have been made consistent with the date of the Cable Act of September 22, 1922. The Misinformation Act Amendment of May 25, 1932, was passed, moreover, almost ten years after the Cable Act, so that there was ample time to make this legislation "hang together" at least in this one respect. But the Misinformation Clause—so ragged in naturalization legislation—was not even made consistent, when amended in 1932, with the date of ratification of the federal Woman Suffrage Amendment.

The "lag" of six or seven weeks between July 1, 1920, as specified in the Misinformation Clause, and August 26, 1920, when the federal Woman Suffrage Amendment became effective, places women for the most part, therefore, outside the benefits of the Misinformation Clause.

1. *Failure of the new proposed nationality code to correct inconsistency.*—The Interdepartmental Committee which has now prepared for the Congress its report on "Codification of the Nationality Laws of the United States," has failed to "iron out" this inconsistency or to remove a limitation which results in discrimination against women voters. Under the title, "Persons Misinformed of Citizenship Status," sec. 319, the *Code* proposes *no change* in the date July 1, 1920, for those who "erroneously exercised the rights and performed the duties of the citizen of the United States in good faith."[23] The omission is undoubtedly quite inadvertant. Certainly there would be nothing controversial in the substitution of a date later than July 1, 1920. The Naturalization Law might, for instance,

be made consistent in this respect with the date of passage of the present Immigration Act of July 1, 1924.

2. *A proposed naturalization amendment: The Wolcott bill, H.R. 2176.*—Fortunately a simple amendment which would correct this difficulty has already been introduced into this Seventy-sixth Congress. It is a brief bill, H.R. 2176, "to Amend Subsection 10 of Section 4 of the Act of June 29, 1906," introduced by Representative Jesse P. Wolcott of Port Huron, Michigan, on January 10, 1939, and referred to the Committee on Immigration and Naturalization. Its "point" is the change of the date in question, as will appear in the following proposed provision:

> Any person not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding *July 1, 1925*, and was on that date otherwise qualified to become a citizen of the United States, except that he had not made the declaration of intention required by law, and who during or prior to that time, because of misinformation regarding his citizenship status, erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention required of other aliens, and upon satisfactory proof to the court that he has so acted may be admitted as a citizen of the United States upon complying in all respects with the other requirements of the naturalization law.

The foregoing change of date, in fact, is the only change provided in the Wolcott bill. It is a revision, the justice and usefulness of which should be quickly recognized. Its need has been repeatedly pointed out by the Chicago District of the United States Immigration and Naturalization Service. Its need is likewise especially felt by the Chicago Board of Election Commissioners in connection with the administration of the Permanent Registration Election Law of Illinois. The author of the bill, Congressman Wolcott, is personally interested in it; is aware of its immediate value to his own constituency in Michigan; and would welcome the support of the measure by interested bodies and agencies.[27]

3. *Arguments in favor of the proposed amendment.*—The passage of this bill by the Congress would not be difficult, if attention is devoted to it. There are presumably no arguments against it, and no opponents. The arguments in favor of it may be summed up as follows:

[27] Statement of Representative Wolcott in interview April, 1939.

1. It will remove an inequality and a discrimination against women now existing in federal laws.

2. It will promote the acquisition of citizenship by larger numbers of women resident in the United States.

3. It will help to "restore" the ballot to women voters who have "erroneously exercised the rights and performed the duties of citizens of the United States in good faith."

4. It will strengthen the rights of democracy in the community. In view of the fact that democracy is now so seriously threatened in other countries of the world, effort should especially be made to strengthen it in the United States.

IX. CITIZENSHIP AND NATURALIZATION A SAFEGUARD TO DEMOCRACY

How to prove that United States citizenship exists for an individual, or that once possessed it has not been lost, is one question. The deprivations and disadvantages of not having United States citizenship at all, are another question. Part II of this subject of "Naturalization and Family Welfare" will treat the discriminations against the alien—"Doors Closed to the Noncitizen" and "Some Reasons Why People Do Not Become Naturalized," together with various remedies of administrative and legislative nature which would remove some of the difficulties of naturalizatior..

Democracy is not sound either in times of war or peace so long as there is an unenfranchised group in the United States. Nor is a disenfranchised or an unenfranchised group in the community safe either for itself or for the community. In improvements of the various processes in naturalization and in the preservation of citizenship for the individual man, woman, and child in the United States, lie immediate and practical means to safeguard democracy itself.

IMMIGRANTS' PROTECTIVE LEAGUE
CHICAGO

CLIENT "FRAUD" IN CHICAGO

WAYNE McMILLEN

THE Gargantuan relief expenditures ushered in by the depression at first appalled the taxpayers—then frightened them. Even public welfare officials were in some instances afflicted with jitters. One such executive stated publicly that perhaps 10 per cent of those currently on relief were not entitled to assistance. It was a simple matter of arithmetic to determine the millions wasted, if that estimate was correct.

Once the scent was raised, the hue and cry mounted to a mighty crescendo. Newspapers recognized the sales appeal of lurid revelations. In Chicago two papers concentrated periodically for days upon the issue. Facsimiles of relief checks were printed with a picture of the payee in prison or at work in private industry. Events of national or international importance were crowded off the front page by columns of "disclosures." The taxpayer was pictured staggering under the weight of supporting an army of villains who, because of the incompetent administration of relief, could easily supplement their customary income with ample bounties from the public treasury.

Inevitably these concerted attacks aroused public opinion. Unverified rumors circulated widely in the community. Presently almost everyone had heard of relief clients who were "unworthy" or who had openly boasted of the ease with which they had defrauded the relief administration. Few paused to dig out the actual truth. The Relief Administration began to feel community pressure to "crack down" on the alleged malefactors. Something had to be done.

Prior to 1933 affidavits were not required in Chicago in connection with an application for relief. At first the public agency followed the practice of the old-established private charities in obtaining "face sheet" information through initial interviews and through home and collateral visits and inquiries.

In August, 1932, the executive secretary of the Illinois Emergency Relief Commission queried the attorney-general of the state about

the status of persons who obtained relief fraudulently. In his reply the attorney-general cited section 96 of the Criminal Code relating to the obtaining of money or other valuable things under false pretenses and suggested that the state's attorney in Cook County would be the proper official to institute investigations and proceedings.

At about this time a questionnaire was developed which all new applicants were asked to fill out and sign. The Illinois law on obtaining money under false pretenses, to which the attorney-general had alluded, was quoted on this questionnaire. It was announced, however, at a meeting of assistant supervisors at which the new application blank was discussed, that it was "not the intention of the department to prosecute in case of fraud."[1]

The history of the questionnaire was a tragic one. Undoubtedly it was developed by the Relief Administration as a means of meeting the bitter and constantly recurring attacks of the newspapers. But it turned out to be a Frankenstein. The questionnaire fell into the hands of a member of the General Assembly of the state. He recognized at once that the document did not provide a sound legal basis for instituting proceedings against "relief chiselers." Accordingly, he promoted action at Springfield that transformed the questionnaire into an affidavit required by law.[2]

This change was effected by amending the old Pauper Law. The new amendment listed categorically fifteen questions to which applicants must give answer under oath. It further provided that any person wilfully making a false statement in the affidavit "shall be denied any relief or help and shall be guilty of perjury and punished accordingly."

Some of the questions thus imbedded in the law were ill advised, such, for example, as "[Have you] any jewelry?" No one knew whether the legislature meant this query to include the watch a man needed on his job or whether it referred only to ornaments, such as a brooch inherited from one's grandmother. Nevertheless, these questions must be retained until the General Assembly may see fit to alter the law. In actual practice, the relief authorities have been obliged to interpret the affidavit requirement realistically.

[1] Minutes of meeting of assistant supervisors, January 10, 1933.

[2] Smith-Hurd, *Illinois Revised Statutes, 1937*, c. 107, sec. 15*b*.

Jewelry, for example, is pretty largely ignored. The policy adopted denies relief only to those who make false statements on the affidavit concerning some material resource that would have altered the case worker's decision regarding the relief grant.

After the affidavit requirement was definitely adopted by the legislature in 1933, the trend was to incorporate more and more of the old face sheet and questionnaire information into the sworn statement. Although the law requires only fifteen questions, there has never been a time since 1933 when applicants were not obliged to answer many additional questions under oath. An attorney employed by the Cook County Bureau of Public Welfare was the person chiefly responsible for this development. He pointed out, in a letter to the director of the Bureau, that criminal prosecution would be "almost impossible" in the case of a relief client continuously employed at one hundred dollars per month, because questions regarding income and employment were not asked. "The affidavit," he declared, "is not sufficient" and he recommended[3] that case workers "supplement the questions asked in the affidavit to cover any type of income or assets. . . . ."

The questions prescribed in the statute say nothing, for example, about working members in the household of the affiant. At present several detailed questions relate to this subject and must be answered under oath. Moreover, an applicant who conceals the fact that a child or other member of his household is working immedi-

[3] The director of the Investigation Department, to whom this manuscript was submitted for criticism, made the following comment with respect to this paragraph: ". . . . You mention a recommendation . . . . that questions should be asked in the affidavit *or otherwise* [italics mine] concerning economic resources in the family. I believe this recommendation is as sound today as it was then. In too many instances, however, it is overlooked."

The writer recognizes that in any relief service based on a means test there must be inquiry into all the economic resources of a family. The difference of opinion relates to the method of inquiry. In the opinion of the writer the only purpose in requiring this information under oath is to improve the chances of a prosecution and conviction in case some resources are concealed. Moreover, the writer believes there are very few instances in which the case workers fail to inquire carefully concerning economic resources. As far back as the winter of 1931–32, the writer worked as a volunteer interviewer in one of the West Side districts. Emergency relief administration was at that time very ill-organized in Chicago as compared with the standardized procedures of today. Even then, however, the district superintendent and her superiors in the central office were very insistent that initial interviews be thorough and that collateral sources of information be consulted.

ately becomes guilty of "affidavit fraud" and, if the facts are discovered, is denied further relief. Two interesting questions arise in this connection: First, does the relief administration have a right to require answers under oath to questions other than the fifteen listed in the statute? Second, are the relief authorities within the law if they deny relief to an applicant who has made a false statement under oath to one of the supplementary questions not in the statute? Thus far no test case has come before the courts which would provide definite answers to these questions. Several attorneys whose opinions have been sought, however, have expressed a belief that the courts would not uphold the relief authorities in denying assistance to persons who have made inaccurate statements under oath to questions not listed in the statute.

In 1933 the General Assembly of Illinois was excessively fraud-minded. The affidavit requirement was not the only statutory change inspired by the hysteria. Another amendment[4] to the Pauper Law made it a misdemeanor to apply for relief not required or to apply for more relief than actually needed. Those convicted of such offenses were to be fined not more than one hundred dollars or imprisoned in the county jail for not more than one year; or, in the discretion of the court, both fined and imprisoned. All persons so convicted were to be "denied further relief and support."

The two amendments created a paradoxical situation. It should be noted that relief must be withdrawn from an applicant who makes a false statement in the affidavit. The General Assembly made no mention of court action in this connection. It imposed the duty of enforcing the provision directly upon the relief authorities. Thus a man may fail to mention in his affidavit the wages of a working spouse or child. If these resources are later discovered and are large enough to have influenced the granting of relief, the guilty individual is permanently excluded from public relief. No discretion is left to the relief administrators in such cases. Even though the concealed wages are no longer forthcoming, and the family is in dire need, the signer of the affidavit can be given no further assistance.

A man who commits "nonaffidavit fraud" is in a very different situation. Denial of relief is obligatory in his case only after a court

[4] Smith-Hurd, *Illinois Revised Statutes, 1937*, c. 107, sec. 15*a*.

conviction. The resources concealed may be much larger and the fraud therefore more flagrant than that of the man who made a false statement in the affidavit. But the relief authorities can exercise discretion in the one case and not in the other. One of the most frequent types of nonaffidavit fraud is the concealing of employment that was obtained after the affidavit was signed. If the job is subsequently lost and the family is in urgent need, the relief authorities can—and often do—reinstate full relief. This relief, in spite of the fraud, may be continued as long as the need exists or until such time as there is court action and conviction with respect to the fraud. Objectively, the wilful concealing of financial resources is equally blameworthy whether it occurs at the time of application or later. In practice, however, Illinois brands the one case immediately unpardonable whereas the other is unpardonable only if a court says so.

The language of the two amendments of 1933 has raised questions concerning the length of time ineligibility for relief is supposed to endure. Section 15*a*, relating to nonaffidavit fraud, says: ". . . . Any such applicant for relief so convicted, shall be denied further relief and support." Section 15*b*, relating to affidavit fraud, says: "Any such person who willfully makes a false statement, in the sworn statement herein required, shall be denied any relief or help. . . . ." Was it the intention of the legislature to deny relief to these offenders in perpetuity? Or was the denial applicable only to the existing set of circumstances with an implied recognition that new applications might be considered on their merits if the family's circumstances changed? No one knows definitely the scope of legislative intent. In actual practice, however, the relief administration interprets both provisions to mean that the offenders must be denied relief in perpetuity.[5]

This interpretation is applied, however, with certain restrictions. If a man asks for relief for himself, his wife, and two children, and it is subsequently learned that he concealed substantial resources in

[5] In a letter to the executive secretary of the I.E.R.C. dated September 11, 1936, the attorney-general expressed the following opinion on this question: "I find no limitation as to the time such relief and support may be denied, and, therefore, I conclude it may be permanently refused."

making out his sworn statement, he, as the guilty party, is excluded from relief. But, if the need is great, the wife and children may continue to receive assistance. This curious practice is reminiscent of the Merthyr Tydfil decision[6] in England, which upheld the granting of relief to families of men on strike but not to strikers themselves "until they became so weak as to be no longer able to work." In both cases, the practical result is the same: the minimum allowance for the wife and children is stretched to include the husband and father. Of course, chronic undernourishment for the entire group follows.

There are two other important types of cases in which the exact letter of the law is not observed. One is the case of affidavit fraud in which concealment relates either to a question not involving material resources or to a material resource of small value. The other is the nonaffidavit fraud that is not "convincing." Experience has demonstrated that unless the proof is clear and unless the case is to some degree "flagrant," the courts will not convict. Hence, little time is wasted in trying to build up a court case in those instances in which the attorneys believe there is little likelihood of obtaining a court conviction.

The legal staff has been very skilful in forecasting the reactions of the court. Between July 1, 1936, and May 31, 1939, a total of 339 criminal cases[7] were brought to a close. Of this number the finding was "not guilty" in only 14 cases, although 72 additional cases were withdrawn prior to trial either because of want of evidence or because satisfactory arrangements for restitution were consummated. On December 31, 1938, the Restitution Department[8] reported 5,984 active claims in its files. Of this number 764, or 12.7 per cent, were currently receiving either supplementary or full relief. This figure, which includes cases both of affidavit and nonaffidavit fraud, suggests the extent to which the administration has been

[6] English Law Reports, 1900, 1 Chancery 516, *Attorney-General* v. *Guardians of the Merthyr Tydfil Union.*

[7] "Report of Investigation Department, Chicago Relief Administration, June, 1939" (typewritten).

[8] "Summary of Restitution Claims Registered and Payments Received by the Restitution Department during the period February 6, 1932, through December 31, 1938" (multigraphed report).

obliged by practical necessities to relax the strict provisions of the law.

In this past decade of rapid changes in relief practices, the growth of the administrative machinery for dealing with fraud seems, by comparison, to have been slow and experimental. Back in 1932, when community excitement about relief was intense and hysterical, the chairman of the State Relief Commission proposed a plan to use relief clients to detect fraud. "Flying squadrons" were to circulate among the relief population and bring in evidence. This scheme was vigorously opposed by relief executives and other social workers and was eventually discarded. Most of the social workers believed, however, that the state of public opinion at the moment made the development of some kind of special procedure for dealing with fraud absolutely essential. The problem was to work out a plan based on rational principles rather than upon mere lust for vengeance or upon the fatuous belief that "to make an example" of someone would serve as a deterrent.

The State Relief Commission, hammered on all sides concerning this issue, began at this juncture to listen with interest to the advice proffered by a long-established and highly respected group—the Advisory Board of the Cook County Bureau of Public Welfare.

In general, this group entertained the view that prosecutions should be instituted, if at all, only in extreme cases after attempts to obtain restitution had failed and all the social implications had been carefully weighed. A majority of the Board believed at that time, however, that in light of current community attitudes, some prosecutions must be undertaken. The Board had reached this decision even before the adoption of the two "hard-boiled" amendments of the Pauper Law in 1933. The Advisory Board, accordingly, established contact with the states attorney's office and succeeded in getting an assistant assigned to the task of receiving complaints and preparing the cases for prosecution under the old false pretenses charge. In addition, two local attorneys agreed to assist the Advisory Board in a volunteer capacity.

It was very soon apparent that this arrangement was unsatisfactory. Within a few weeks the chairman of the Relief and Service Subcommittee of the Advisory Board declared in a letter: "It is not

reasonable to expect the States Attorney's office, that is undermanned and that is confronted with innumerable problems of major consequence, to give its service in preparing cases of the type the Cook County Bureau of Public Welfare is now referring to it." Accordingly, the Advisory Board suggested that an attorney be added to the staff of the Cook County Bureau to handle this work.

This recommendation proved to be a boomerang. The attorney was employed and within a few weeks was vigorously carrying out a policy that was in complete conflict with the views of the Advisory Board. He used the "hammer-and-tongs" approach and proceeded on the philosophy of "an eye for an eye and a tooth for a tooth." There can be no doubt, however, that many forces in the community approved of this method and, in fact, vigorously encouraged it.

A point of special conflict related to the case records. The attorney took family records into court to use as evidence. In at least one case he took a record apart and distributed pages from it among the jurors. This practice aroused bitter resentment, especially among the social workers of the community, who insisted that the records were confidential. They pointed out that in accident liability cases, hospitals release medical information to insurance companies only with the written consent of the injured person. Confidential family case records, they declared, should be given an equal measure of inviolability.

In an effort to promote a more discriminating approach to the problem of fraud, the Cook County Bureau, upon recommendation of the Advisory Board, organized a special Committee on Fraud to pass upon fraud cases and to suggest to the attorney the course of action that would probably be most beneficial to the family and to the community. This new committee was made up of experienced case workers selected from the two branches of the public agency (the Unemployment Relief Service and the Field Service Division of the Cook County Bureau) and from the two leading private family welfare agencies (the Jewish Social Service Bureau and the United Charities).

Fraud cases were relayed in the first instance to this committee. The committee, after carefully reading the records and evaluating the facts, forwarded the cases to the attorney with its recommenda-

tions. The general point of view of the committee was to recommend restitution rather than prosecution in the hope of obtaining reimbursement for the agency and "to safeguard the client's job in order that the family may not become dependent and be thrown back on the relief agency through the imprisonment of the wage earner."[9]

Spurred on, undoubtedly, by vengeful personalities in the community, the attorney in charge of the prosecutions manifested increasing reluctance to accept the recommendations of the Committee on Fraud. The committee's report of November 15, 1933, enumerated the following recommendations made on cases forwarded to the attorney up to that date:

Prosecution	4
Restitution or prosecution (decision left to attorney)	11
Restitution	30
Discontinuance of relief, with restitution in the future	13
Discontinuance of relief	6
Continuance or reinstatement of relief	48
Total	112

Of this number the attorney had approved thirty-six recommendations, twenty-seven of which were cases in which continuance or reinstatement of relief was suggested. He had proceeded to prosecute, however, in many cases in which the committee had recommended restitution. Moreover, he had not consulted the committee respecting these cases. The chairman of the committee first learned of the actions taken through reading of the trials in the newspapers. "Our recommendations," said the committee in its report, ". . . . are being ignored. . . . . Prison sentences are being given to fathers and mothers of families where we believe that disastrous social effects upon the family will probably result. . . . . This reduces the activities of the Committee to furnishing . . . . facts . . . . for purposes of prosecution."

The committee had devoted endless hours of labor to the study

[9] Report of Lillian H. Adler, chairman of the Committee on Fraud, to the Advisory Board of the Cook County Bureau of Public Welfare, November 15, 1933.

of the fraud cases. Its recommendations had been based upon what might be called a clinical study of each case. Since the outcome showed that little or nothing of a constructive character had resulted from all this toil, the special committee resigned, suggesting that the Advisory Board attempt to work out some new arrangement that might perhaps be more successful. An interval of further negotiations with the attorney ensued. These parleys failed, however, and ultimately the Advisory Board was obliged to accept the resignations of the Committee on Fraud.

When the Committee on Fraud resigned, it recommended that its function, if continued, be intrusted to the regularly employed staff of the public agency. Within a few weeks this proposal was put into effect. This departure added a new term to the nomenclature of social work. Presently there was a "fraud worker" in each district office and, in the central office, a city-wide "director of fraud investigations." These new functionaries were, in the main, social workers. Their job was to receive complaints, study the facts, and make recommendations. At first they sent to the legal staff only those cases in which the director of fraud investigations recommended prosecution. Somewhat later the attorneys were asked to take, in addition, those cases in which the districts had failed in their efforts to obtain restitution agreements.

In October, 1934, two "Review" departments were established—one in the Unemployment Relief Service and the other in the Field Service Division of the Cook County Bureau. These departments were to provide liaison service between the case workers in the districts and the Central Fraud Department. Throughout this period also, the legal staff received all its cases through reference from the Central Fraud Department. Actually the entire year, 1934, was one of experimentation, because the social workers, though they recognized that the law must be observed, were trying to find ways of getting a hearing for the social factors in individual cases.

Gradually, however, the conviction grew that greater centralization was needed. In August, 1935, the Unemployment Relief Service and the Field Service Division were merged. Shortly thereafter the Central Fraud Department was abolished, and its duties were taken over by the legal division of the Investigation Department. This

department was headed by an attorney, and fraud workers—now called "field representatives"—were assigned by his office to cover the districts. The responsibility for dealing with client fraud thus passed from the hands of social workers into the hands of attorneys.

At first, restitution payments were accepted by case workers, supervisors, and fraud workers. This system did not work well, and, accordingly, on January 2, 1934, the Refund and Restitution Department was organized under the Central Accounting Department[10] of the I.E.R.C. Since that time restitution payments have been accepted only by this one office, except for occasional cases in which the Investigation Department arranges for complete restitution in one lump-sum payment.

Sweeping changes were made in relief administration in Illinois in 1936. On July 1 of that year, by action of the General Assembly, the powers of the I.E.R.C. were sharply curtailed and responsibility for administering relief was shifted to 1,454 local governmental units, most of them townships. Cook County was no longer under the jurisdiction of a single county-wide system. Instead, there were now 30 township poor systems in the county in addition to the Chicago Relief Administration.

These changes naturally affected the operation of the machinery that had been developed to handle client fraud. The Investigation Department continued to work on unfinished business but did not, of course, assume any responsibility for frauds committed in Cook County after July 1, 1936. In the interval between July 1, 1936, and March 15, 1937, no legal action was taken with reference to frauds committed against the Chicago Relief Administration. On March 15, 1937, the Chicago Relief Administration established an investigation department. The new department was essentially the same as its predecessor except that its jurisdiction now included only the city of Chicago. The Restitution Department, however, continues to collect from former I.E.R.C. cases in all parts of Illinois and also undertakes to obtain settlements from the newer fraud cases that have arisen under the Chicago Relief Administration.

Comparatively few changes in the methods of dealing with client fraud have occurred since 1937. Complaints flow in from various

[10] Later the Refund and Restitution Department was placed under the controller of the budget of the I.E.R.C.

sources—letters (many of them anonymous), telephone calls (some also anonymous), and complaints made in person by neighbors or other interested individuals. In addition, the Chicago Relief Administration itself identifies many of the cases in which resources have been concealed, through such means as the investigation of the case workers, the checking of industrial pay rolls, and the inquiries made by the Property and Insurance Division concerning the titles of real property and the identity of the beneficiaries of insurance policies of deceased persons. Case workers who suspect fraud but cannot obtain proof are directed to seek assistance from the Investigation Department. In such cases the department launches an aggressive series of inquisitions. The families are placed under intensive surveillance. The home is visited at unusual hours, such as early morning or very late at night. Every possible record in the community is consulted to determine whether concealed assets actually exist.

Complaints from outside sources are ordinarily forwarded by the Investigation Department to the district office for investigation. Sometimes the matter is settled there. The resource reported may have been known by the district office—and utilized in calculating the budgetary deficit. Or the concealment may have been obviously unintentional or very small in amount such that an adjustment can easily be effected on an informal basis. These arrangements are worked out co-operatively by the case-work staff and the agent assigned to the district by the Investigation Department. A report is sent on such cases by the district to the Investigation Department. Ordinarily, no further action is taken unless the complainant is known—in which case the Investigation Department may decide it is good policy to transmit to him the facts elicited by the inquiry.

If the fraud is adjudged serious, however, a "fraud schedule" is prepared in the district office and forwarded to the Investigation Department. This schedule is five pages in length. In addition to the necessary identifying data, it contains the following information: relief periods, with dates of all openings and closings; the nature of the misrepresentation; method of discovery and verification of the misrepresentation; home and office contacts with the family during the period in which resources were concealed; factors that may affect restitution, including the client's attitude. The financial sec-

tions of the schedule show the dates and amounts of all relief granted to the family; the present income and the minimum needs of the family based on a full relief budget; and the amount due in restitution.

On the first page of the schedule a small space is reserved for the recommendations of the district office. The district records its opinion by checking one of two alternatives offered: (1) restitution or (2) prosecution. There is no space on the blank for any real elucidation of the social factors involved. Sometimes the agents of the Investigation Department pick up such information either from the case workers or from the case records and enter it in a section that is headed "Factors that may affect restitution (include client's probable attitude toward making payments)." Also, it is the present policy of the Investigation Department to inform the district as to the type of action planned in each case. This gives the district an opportunity to express an opinion if it wishes to do so. Nevertheless, in many cases, social considerations receive very scant attention. In no case is the Investigation Department under any obligation to be guided by the views of the district social workers.

Several years ago a proposal[11] was submitted to the relief authorities that the Investigation Department be called in on a case only after the case-work department had decided upon the appropriate course of action. The Investigation Department would thus assist the case-work department, rather than the other way around, as at present. This proposal was rejected, however, in words implying that the administration believes the present procedure is best.

The method of calculating the amount of restitution is of special interest. The needs of the family are budgeted for the fraud period on the basis of a full relief budget not unlike the *Chicago Standard Budget*. This budget is, of course, substantially higher than the amount actually allowed the family by the Chicago Relief Administration. The income concealed during the fraud period[12] is then added to the relief actually granted. From this total, the full relief budget for the period of the fraud is deducted. The remainder, un-

[11] Letter from the director of the Cook County Bureau of Public Welfare to the executive secretary of the I.E.R.C. dated September 23, 1935.

[12] If wages of a working child were the source of the concealed income, the Relief Administration considers only 40 per cent of this revenue a concealed resource.

less it exceeds the relief granted during the fraud period, is the amount of restitution due. If the difference between total resources and total need exceeds the relief actually given, then the relief actually given is the amount of restitution due.

It is worth noting that the minimum need calculated for fraud families is substantially higher than the relief that was actually granted them. It is also higher than the budget allowed in families that do not conceal resources. One of the chief reasons for estimating need in fraud families at the higher level is to make a better case in court. The calculated need for the period, as based on the full relief budget, seems reasonably generous. Hence, the amount of restitution sought does not seem to the court excessive. Actually, it is almost always considerably smaller than the total amount of relief the family received. An additional reason for using the more generous budget in this procedure is that the lower resulting figure has a certain sales appeal in the cases of families that are willing to consider voluntary repayment.

Cases on which fraud schedules are sent to the Investigation Department from the districts may terminate in several different ways. A very large majority are settled informally. In most such settlements, the client signs a promissory note and is then passed along to the Restitution Department, where some definite plan of instalment payments is worked out. Occasionally a client has resources sufficient to enable him to repay the total amount in one lump sum. Such cases, however, are rare. In the period from March 15, 1937, to May 31, 1939, a total of 1,958 promissory notes were signed.

Court action is resorted to in a comparatively small number of cases. The Investigation Department is reluctant to go into court unless it has a "good" case. In the period from March 15, 1937, to May 31, 1939, a total of 339 cases were closed as a result of criminal action and 100 as a result of civil action. In the criminal cases a verdict of guilty was rendered in 273 of the 339 cases. The sentences[13] meted out to these offenders were as follows:

Sentenced to jail	109
Restitution ordered	260
Fined	13
Placed on probation	162

[13] These sentences are not mutually exclusive. For example, in one case, the client might be both placed on probation and ordered to make restitution.

The entry of a judgment is, of course, the most common outcome of the civil suits. The 100 civil suits referred to above terminated as follows:

Judgments entered	63
Dismissed (restitution arranged)	34
Dismissed	2
Judgments entered for defendants	1

Although justice sometimes miscarries in the courts, the foregoing figures show that cases of fraud do occur in connection with the administration of relief. Moreover, some of these cases are sufficiently striking to move the courts to impose punishment upon the offender. It would be little short of miraculous if this were not true. In fact it would be an indictment of the Relief Administration if relief were never granted in cases where resources were found later; for complete freedom from fraud would mean that the granting of relief was so slow and so encumbered by safeguards that a family in urgent need could starve before help arrived.

The inevitability of some concealment of resources is clearly indicated by the gross figures on relief in the community. Between February 6, 1932, and June 30, 1938, a total of $333,290,760.21 was expended for relief in Cook County.[14] This involved investigating the resources and budgeting the needs of no fewer than 775,857 persons[15] in the peak month. At no time during the entire period did the case load fall below 177,730 individuals.[15] Obviously no enterprise of comparable magnitude and complexity could be administered under any auspices without some mistakes.

Because of the belief still widely prevalent in the community that client fraud permeates the entire relief case load, it would be very useful to know the exact number of such cases. Unfortunately no such figure exists. The available data relate only to cases on which fraud schedules have been prepared. In the period from March 15, 1937, to September 30, 1939, a total of 3,706 such schedules were received by the Investigation Department. However, many cases of fraud were identified in the district offices on which no fraud schedules were prepared. No one knows exactly how many cases

[14] *Biennial Report, Illinois Emergency Relief Commission, 1936–38*, p. 169.

[15] *Ibid.*, p. 125.

of this type have arisen. This is exceedingly unfortunate, for the uncertainty as to how many known cases exist in the districts in addition to the 3,706 referred to the Investigation Department allows wide latitude for estimates that have ranged up to fantastic heights. It should be emphasized in this connection, however, that practically all the flagrant cases of fraud reach the Investigation Department, if they are discovered at all. Hence it seems fair to conclude that major frauds occur in a very small proportion of the families that receive assistance from the Chicago Relief Administration.

Further evidence that the volume of client fraud is comparatively small is provided by the data compiled by the Restitution Department. In the years 1932–38, inclusive, a total of 8,191 claims were recorded in the books of the department. This, of course, is not a measure of the total number of cases in which resources were concealed. The figure does include, however, all the following types of cases: (1) clients with whom there is an oral agreement concerning repayment; (2) clients who have been ordered by the court to make restitution; (3) clients on probation; and (4) clients who have signed promissory notes. It is worth noting that in three of the years during which these 8,191 claims accumulated, the average monthly case load in Chicago[16] was in excess of 400,000 persons and in some months exceeded a half-million persons. Since the relief rolls are constantly changing through the acceptance of new cases and the closing of old ones, the total number of different persons who received relief during this period was probably two or three times as large as the average monthly figure.

Some of the newspaper accounts of relief frauds have given the impression that the clients who conceal resources are a peculiarly unregenerate class of people. Fortunately, some evidence is available that throws light upon this question. Two years ago, two studies were undertaken in an effort to define the social attributes of fraud clients. One of these studies[17] was limited to cases in which the fraud

[16] *Ibid.*

[17] Kenneth V. Thomas, "Former Relief Clients Sentenced to Jail, 1930–37, for Fraudulently Obtaining Relief from the I.E.R.C." (unpublished A.M. thesis, School of Social Service Administration).

was deemed so flagrant that a jail sentence was imposed. The other study[18] was concerned only with families in which the need was so urgent that relief was continued in spite of the fraud and in spite of total inability to make restitution.

These investigations showed that more than half of the fraud families studied were foreign-born whites (51.3 per cent) and that 17.6 per cent were Negroes.[19] Approximately 53 per cent had never previously been registered at the Social Service Exchange and were, therefore, clearly not old chronic relief families. Thirty per cent were, or had at one time been, members of trade-unions. A very large proportion (81.8 per cent) were married persons with children. Half the entire group were between thirty-seven and fifty-two years of age. About a third of the heads of these families had enjoyed the benefit of an eighth-grade education or its equivalent. Most of the foreign-born persons had received such education as they possessed in elementary schools in their native countries. The average length of residence in the United States of the foreign-born individuals was 21.5 years.

A third of the husbands and wives in the foreign-born families sent to jail for concealing resources were unable to speak or understand English. On the other hand, in the study that was limited to fraud families still on relief, substantially all the heads of the families knew the English language reasonably well and could use it serviceably. Two questions are suggested by this difference: (1) Among those unable to understand English was the fraud perhaps in many cases due to failure to comprehend the affidavit and the regulations that control the granting of public assistance in this country? (2) If those sent to jail had been as articulate in English as the other fraud clients, might they, too, have been able to explain their motives and to have defended their actions successfully?

[18] Sidney Seltzer, "Cook County Families Who Have Made No Restitution for Aid Fraudulently Obtained from the I.E.R.C. between July, 1929, and August, 1937, and Who Have Been Retained upon the Relief Rolls" (unpublished A.M. thesis, School of Social Service Administration).

[19] These figures must be interpreted with caution. They are not related to the total numbers receiving relief in each racial or nativity group and, therefore, do not answer the question, "In which racial or nativity group is concealment of resources most common."

The average number of persons per resident relief family in Cook County[20] is 3.6 individuals. The average numbers of persons in the fraud families studied were as follows: native white, 4.6; foreign-born white, 5.1; Negro, 4.4. Fifty-eight per cent of the children in these families were under fourteen years of age. Among the 79 families sent to jail, 43 suffered from definitely diagnosed physical disabilities and 36, so far as the records show, were free from health problems. The 67 diagnoses recorded with respect to the 43 families included most of the diseases commonly found among unemployed clients such as anemia, arthritis, diabetes, stomach ulcers, and varicose veins. The size of the fraud families and the heavy incidence of disease among them suggest that the urge to obtain increased income must, in many instances, have been extraordinarily compelling.

The average length of the longest job held by the heads of all families studied was seven years. Only 6 out of a total of 162 employable families had held no one job for as long as two years; 49 had held the same job for more than ten years. The average monthly wage earned on these jobs was approximately $120. Half the entire group had earned between $76 and $145 per month.

The records show that many of the families incurred debts prior to applying for relief. About 40 per cent of those reporting indebtedness owed the landlord for rent. About a fifth of the group had purchased food on credit and were unable to pay. The average amount of indebtedness was $89.

The clients who had concealed resources were by no means "propertied" people. The asset concealed consisted of real or personal property in only a small proportion of the cases. In the majority (69.5 per cent) of the cases the family had failed to report the full-time or part-time employment of the head of the family, his spouse, or a working child.

In the flagrant cases (those sent to jail) the median amount of resources concealed was $775. Four of these families had concealed $3,500 or more; 45 of them had concealed less than $1,000. In the other study (fraud families retained on relief) the average amount of earnings or other assets not disclosed was $250. In a fourth of these latter families the jobs obtained were evidently very

[20] *Biennial Report, I.E.R.C., 1934–36*, p. 62.

temporary, for the amount of income concealed was less than $100. The average length of the fraud period in the flagrant cases was 12.9 months and in the less serious cases, 7.6 months. The average amounts of restitution due from these two groups of families were $389.68 and $97.52, respectively. Of the fraud families retained on relief, nearly a third owed the Relief Administration less than $50 for excess relief granted.

Thus, it is clear that the clients who are guilty of fraud cannot legitimately be described as unregenerate. They are, in the main, the men and women who do the rough, hard work of the world and receive small wages for their pains. They are not—or at least were not—chronic dependents. In times of plenteous employment most of them made their way independently. They were, in the main, people who had some status in their neighborhoods. They were able to obtain credit from local tradesmen in the early days of their need. Some even had more tangible assets to fall back upon in the beginning, such as small savings accounts, an automobile, or an equity in a home.

Motives are, of course, difficult to determine. It is worth remembering, however, that Chicago, unlike New York City, has never had a stably financed relief program. The basic family budget is considerably lower than the minimum approved by the leading private family welfare agencies in the city. Moreover, even the skeleton budget of the public agency has been repeatedly scaled down because of shortage of funds. At present, for example, only 80 per cent of the skeleton budget is given, and last autumn funds were available to grant only 65 per cent. It seems not unreasonable to conclude that actual urgent need for food, clothing, and shelter may have impelled clients to misrepresent their situation in many instances. This, at least, is the view of one of the seasoned public welfare executives of the community, who said in a letter[21] to the director of relief in Cleveland:

> . . . . From our investigations so far, it would appear that the clients' failure to report resources to the district office is actuated primarily, not by a malicious urge "to get something for nothing," but by a very real feeling of need for addi-

[21] Letter dated December 8, 1934, from Joseph L. Moss, director, Cook County Bureau of Public Welfare, to Clark Mock, director, Cuyahoga County Relief Administration.

tional income with which to satisfy legitimate desires—this feeling of need resulting from the client's inability to agree with the relief agency's judgment as to his minimum essential needs. We realize that in many of these cases the family's lack of confidence in the judgment of the organization is due to the case worker's inability to establish the desired rapport with her clients in the limited time she has to give them.[22]

So long as the Illinois Poor Law remains in its present form, fraud procedures in Chicago will undoubtedly continue substantially as at present. An increasing body of evidence suggests that the existing statutory provisions are socially unsound and should be modified at the earliest opportunity. The case of a Polish woman, Mrs. K., illustrates how the punitive fraud procedures all too often eventuate:

Mr. and Mrs. K. applied for relief in April, 1932. In an affidavit signed in May, 1933, they swore that income from Mrs. K.'s casual day work was the only resource. This income was verified and deducted from the budget. In June, 1933, Mrs. K.'s name was discovered on the pay roll of one of the big banks in the Loop where she had been employed as a night scrub-woman since 1929. When confronted with the evidence, Mrs. K. admitted the fraud. A few years earlier two of her daughters had married, and a debt of $350 was incurred in staging the elaborate type of wedding that is considered indispensable in the Polish community in Chicago. In order to meet these bills and support her husband and three minor sons, Mrs. K. had applied for and accepted relief. The amount of restitution due was fixed at $492.54. Mrs. K. readily agreed to repay at the rate of $8 per month. She pointed out, however, that her health was poor and she was not sure she would be able to continue her work indefinitely. No payments were made and in November, 1933, Mrs. K. was prosecuted in the Women's Court. She was fined $1.00 and sentenced to jail for 30 days. Her husband was tried two weeks later and was sentenced to 30 days in jail, with an order to make restitution. Both the head of the family and her spouse, having been convicted of obtaining relief fraudulently, became permanently ineligible to receive public assistance in this community. This disability proved to be particularly serious in the K. family. Mrs. K. lost her job at the bank because there had been "too much front page publicity" and because it was contrary to policy to employ persons with jail records.

[22] Case loads in Chicago have often averaged more than 250 per case worker. Even now the average case load is 160 or more per case worker. Such working conditions, of course, accelerate turnover in personnel. In his study of fraud cases retained on relief, Seltzer found that, in the period between instituting relief and discovering the fraud, the agency had contact with the family less often than once per month. Moreover, more than half the contacts were in the district office rather than in the home. Because of the rapid turnover in personnel, every fifth contact with the family was made by a different case worker.

The procedure followed in this case certainly did not improve the chances of obtaining a refund of the $492.54 "excess relief." The only conceivable benefit was that the punishment might deter other families from deceiving the relief authorities. Whether this result ensued is problematical. If so, the cost was high. The publicity the case received made the three minor boys in the family conspicuous objects at school and in the neighborhood. To have two jail records in the family was certainly not an asset to the two older ones who were near the age of employability.

Another case that suggests the shortsightedness of a drastic punitive policy is that of the H. family:

Mr. H., aged fifty-two, applied for and accepted direct relief because he was told it was the only way to get work relief. He said he had been unemployed for five months and had exhausted his savings. Mrs. H. was receiving treatment from the Cook County Hospital for gall stones and menopausal trouble. The one child—a daughter aged twenty-one—was a bedfast epileptic and had never attended school. Verification of Mr. H's employment record showed that he had been steadily employed as a laborer at four different factories since 1917 at an average weekly wage of $28. His longest job had lasted five years. He had received an advance each time he changed from one job to another. The family was on relief for eight months and was then transferred to work relief. In July, 1934—two years after the first application—the family reapplied for direct relief. Information obtained at this time showed that two years earlier when Mr. H. first sought help, he had $1,122.28 on deposit in a local bank. This money was practically all gone when the discovery was made, Mr. H. having withdrawn most of it month by month over the two-year period to supplement the relief grants and the work relief earnings. Nevertheless, the relief authorities asked that the $144.89 that had been given in relief during the first relief period be repaid. Mr. H. refused to sign a promissory note and was accordingly prosecuted in the Municipal Court. He was sentenced to 30 days in jail and was ordered to make restitution after his release. After Mr. H. returned from jail, he was obliged to remain at home with his bedfast daughter, because the mother was sent to the Cook County Hospital. Hence he was unable to seek work. Mrs. H. and the daughter were retained on the relief rolls, but Mr. H., under the law, was excluded from the budget. After her return from the hospital, Mrs. H. frequently complained of undernourishment. She said Mr. H. continued to eat at home though the relief authorities ignored him in calculating the family's minimum need. In order to conserve funds, the family had dispensed with lights and gas, and lived almost without heat.

The hardships imposed upon families through the operation of the Illinois law concerning fraud have not produced impressive results in terms of repayments. In the seven years, 1932–38, the total amount of the claims received by the Restitution Department was $1,033,306.19. Of this amount, $263,686.03, or 25.3 per cent, had actually been collected. The remainder was in the form of promissory notes, many of which will almost certainly never produce a penny. However, even if the entire sum should be collected, it would still be small in terms of the total relief operations. More than one prominent citizen of Chicago has robbed the taxpayers of sums that make an average annual relief fraud of less than $150,000 seem very small change.

The deterrent effects of the law are, of course, hard to gauge. Here again, however, the testimony of the director of the Cook County Bureau of Public Welfare is significant. In a letter[23] to the executive secretary of the Illinois Emergency Relief Commission, dated September 23, 1935, he said:

> Two years of intensive prosecution of fraud cases has obviously not eliminated fraud in relief administration, nor has there been realized the hope which [the chairman of the I.E.R.C.] expressed at the time the Investigation Department was set up, namely, that there would be developed in the community a strong feeling that these prosecutions were protecting relief funds. I am convinced that the net result of fraud prosecutions has been to confirm in the mind of the average person that fraud exists in a large degree. The newspaper reader is presented with facts and figures which confirm this belief. . . . .

Though this opinion is probably sound, there are those in the community who do not accept it. No one, however, can deny the verifiable fact that, in spite of the prosecutions, concealment of resources continues to occur. The director of the Investigation Department predicted November 1, 1939, that cases of "affidavit fraud" would be discovered at the rate of about six per working day at Central Intake during the month of November. Data compiled at the end of the month proved that his estimate was approximately correct.[24]

[23] Unpublished correspondence. Letter dated September 23, 1935, from Joseph L. Moss, director of the Cook County Bureau of Public Welfare, to Leo Lyons, executive secretary of the I.E.R.C.

[24] A recheck showed that the estimate was a bit high. In the twenty-two working days of November, eighty cases were reported, a few of which involved nonaffidavit fraud.

The fraud policy imposed by law in Illinois is sharply at variance with the practice in the leading private agencies in the community. Case loads are low in the private agencies—usually about thirty to forty-five per worker. Hence, although affidavits are not required, the agencies are intimately acquainted with the families under their care. Nevertheless frauds occasionally occur. The following case illustrates the manner in which the private agencies deal with such situations:

Mr. and Mrs. P., an elderly couple, applied for aid in May, 1939. Late in June, 1939, the agency learned that Mr. P. was receiving a sick benefit from his former employer equal to the amount of relief the agency was granting. The agency immediately withdrew relief but continued to work with the family on a service basis. The amount of the "fraud" was $92.93. To have insisted upon restitution would have involved choosing between two alternatives: (1) asking the family to live on a smaller budget than would measure up to a minimum standard of health and decency or (2) seeking from public or private funds some supplementation of the husband's sick benefit. Hence the agency decided it was unwise to ask for restitution. The medical evidence showed that Mr. P. was dying of tuberculosis. The wife's one aim was to make his last days comfortable. Therein lay the explanation of her fraud. The agency did not even discuss the misrepresentation with Mrs. P., believing that withdrawal of relief was the only action indicated in the situation.

The committing of a fraud often is the external manifestation of a deeper maladjustment in which skilled case-work services are urgently needed. This type of situation is illustrated by the experience of one of the private agencies with Mr. and Mrs. D.:

Mr. D. was regularly employed at a wage which he declared inadequate to provide for himself, his wife, and his three minor children. The agency assisted for a considerable period by assuming financial responsibility for care of the oldest boy—a problem child—in a local institution. Ultimately the agency learned that Mr. D.'s wages were larger than he had reported either to his wife or to the case worker, that he had borrowed about $500 from loan companies, and that he had been gambling heavily. The agency, however, did not upbraid Mr. D. nor did it demand restitution of the $420 in "excess relief" granted during the fraud period. Assistance was, of course, withdrawn, but the agency worked out in detail with Mr. D. a plan of budgeting his income to meet the family's needs and gradually to retire the debts. Unfortunately, however, Mr. D. has maintained his habits of drinking and gambling. As a result marital relationships are strained to the breaking point, and the children are being grossly neglected. Obviously the welfare of the children is of central importance in this situation .

The agency, by virtue of not having broken with the family, has been able to maintain a friendly relationship and to afford some protection to the children. If and when the family situation becomes completely destructive, a watchful and judicious friend will be at hand to arrange for the removal of the children to a less hazardous environment.

It is interesting to speculate upon the fate of the D. family if they had been clients of the public agency. In all probability the case would long since have been closed, and the children would be completely at the mercy of an irresponsible father. If the case had remained open, it would have been one of 160 or more cases assigned to one worker. Contacts with the family would, therefore, be fleeting and infrequent. Moreover, the public agency would be making aggressive efforts to collect the relief fraudulently received. Perhaps the marginal income of the family would be still further reduced through some plan of weekly or monthly restitution payments. Or Mr. D. might even be prosecuted and sent to jail—in which case he would by this time undoubtedly have lost his job, and the family of five would be subsisting on 80 per cent of a skeleton budget from which the father would be completely excluded. The situation of the D. family is not good by any standard, but it would be infinitely worse if the punishment provided by the Illinois Poor Law were added to the other troubles in the home.

Few can deny that, logically, the public agency should be even more eager than private agencies to conserve and strengthen family life. For a public agency is supported by taxpayers and should be concerned about costs, both present and future. Yet if a family disintegrates because of harsh treatment or neglect, there will almost certainly be heavy future costs in terms of care in public hospitals and prisons, and in terms of juvenile delinquency.

Is it too much to ask the General Assembly of Illinois to study the implications of the present fraud policy? In 1933 the legislators thought they were protecting the taxpayer by enacting the two punitive amendments. Now, six years later, is there any proof that this objective was attained? Is it not time also to turn an eye upon future costs and to ask whether punitive treatment of relief clients is likely to augment them? If the two amendments of 1933 were repealed, there would still remain the old false pretenses provision of the

Criminal Code. This provision is much less objectionable than the two amendments because it is applicable, not to one class, but to every individual in the state.

But even this provision should seldom, if ever, be invoked. The public agency should be free to follow the practices of the best private agencies. The private agencies do not force their clients to answer under oath a series of questions, some of which could with perfect truth be answered in several different ways. They do not think it important to put the client in a position that will enable them to bring him and his family into the courts. Nor do the private agencies resort to court action even if a fraud is perpetrated. They believe that subtler methods will prove more constructive in the long run.

The public agency should enjoy equal latitude in dealing with its clients. The future welfare of the family should be the deciding factor in each case. Case loads should be low enough for the case workers really to know their clients. Relief would, of course, always be withdrawn if substantial assets were discovered. Plans for restitution could be worked out where indicated. In some instances civil suits might be instituted to recover large sums. But criminal prosecutions should be abandoned entirely.

The state long ago acknowledged an obligation to take care of its poor. Any comprehensive provision of this type will always include a small minority of persons who are prepared to abuse it. But policies should not be formulated exclusively for that minority. If that is done, the vast majority of self-respecting working people whom the service was designed to protect must be treated as if they were probable malefactors. The state thus fails to achieve its purpose of caring decently for its weakest members. The social services loom increasingly large in the American scene. The conservation of family life and the development of individual morale should be the ultimate test of their effectiveness.

UNIVERSITY OF CHICAGO

SOME ASPECTS OF EUGENIC MARRIAGE LEGISLATION IN THE UNITED STATES[1]

RUTH VELMA SCHULER

PART I. COMMUNICABLE DISEASE

SOME new aspects of marriage and marriage legislation in the United States are concerned with attempts to improve the mental and physical health of the people through legislation regulating marriage. All the states have long recognized the importance of the protection of health by universal, though not identical, regulation on the subject of the age at which marriage is permitted and by prohibition of consanguineous marriage. The licensing system is universal and in time will undoubtedly replace the older common-law marriage where that is still recognized. All the states likewise affix penalties intended to insure enforcement of the law. In the earlier legislation the best attempts at enforcement dealt with proof of age. Documentary proof or affidavit, before a witness, with consent of the parent or guardian, was generally required for the young applicant.

Some health measures in marriage legislation which are of comparatively recent origin, particularly those related to venereal disease, are still controversial. The earliest statutes merely prohibited the marriage of those with certain disabilities, and penalties were added a little later. The applicant's own statement was accepted as proof of his fitness to marry. Adequate measures of enforcement have been enacted only recently.

In the present analysis the various health measures now covered by the statute are considered. The elements of an adequate law, with satisfactory enforcement provisions, will be discussed under each heading, and a comparison made of the various state laws upon each point in relation to the outline of an adequate statute.

[1] The material used in this article is condensed from a Master of Arts field study in the School of Social Service Administration of the University of Chicago. Part II, "Mental Incapacity," will appear in the June number of this *Review*.

The mere existence of a statute on a statute-book does not, of course, insure its observance. In Miss Richmond's careful study of *Marriage and the State*[2] it was pointed out that ignorance, poor personnel, the fee system, lack of uniformity between the laws of different states, carelessness, inadequate legislation, lack of respect for the law, and other factors contributed to failure to carry out the intention of the lawmaker. The effectiveness of the most carefully drawn statute is entirely at the mercy of the local official who enforces it; but, in spite of their weakness, statutes represent the will of the people and as such are well worth study.

VENEREAL DISEASE

The need for a venereal-disease-control program in connection with the marriage laws is generally accepted, but the wisdom of compulsory examination at the time of marriage is still questioned. The very nature of the subject, an extremely personal one, makes it difficult to reach by means of legislation. It is significant that in recommendations for reforming marriage legislation in the United States, made on the basis of an intensive study, the venereal-control plan was conspicuous by its absence.[3]

Can this problem be dealt with best from an educational approach? Evidence of the progress made in this field is shown in two recent popular sources of information. The *Britannica Book of the Year* tells us that the term "venereal disease" left the realm of science and entered the common vocabulary in 1937 by appearing for the first time in several public addresses. The *World Almanac* for 1939 carries this message: "In the last three years America has discovered syphilis; and this discovery marks a turning point in our national way of thinking. We can now recognize by name and fight openly a disease that affects approximately 6,000,000 persons." Both articles refer to the sampling polls conducted throughout the United States by the American Institute of Public Opinion in 1937 "which showed wide public support for venereal disease control; majorities ranging from 79 per cent to 92 per cent supported a vig-

[2] Mary E. Richmond and Fred S. Hall, *Marriage and the State* (1929).

[3] Fred S. Hall and Elisabeth W. Brooke, *American Marriage Laws in Their Social Aspects* (1919).

orous educational campaign, free public clinics, blood tests as prerequisite to marriage licenses, a Congressional appropriation of $25,000,000 for venereal disease control, free blood tests." While the reliability of such a poll is open to question, it nevertheless suggests a trend of public interest.

An interesting case that was tried many years before there was any legislation on this subject shows the sympathetic viewpoint of the court toward the innocent victim of a marriage to a diseased person. A woman received and accepted a proposal of marriage and made preparations for the wedding. Just before the ceremony the man said he could not marry because he had a venereal disease. She sued for breach of promise; and, though the man defended himself by pleading that she had expressed willingness to marry him even after she learned that he was diseased, the court allowed her additional damages, stating that she would have been justified in refusing to marry the man who had no moral or legal right to marry when he was infected with a loathsome and contagious disease and that the state was a third party to every marriage.[4]

There are numerous criticisms that may be made of compulsory medical certification for marriage. Mr. Hall[5] has pointed out two of these: first, that certification gives a false sense of security, since, until medical science advances beyond its present stage of development, "specialists agree that the absence of syphilis or gonorrhea cannot be conclusively determined by any known type of examination"; and, second, a criticism which may justifiably be made of legislation as it exists today is based on opinions secured from a great number of doctors.

> In a number of the physicians' replies . . . . the law is criticized because it provides no machinery by which a man who has been refused by one physician because found diseased can be prevented from receiving a certificate from another physician who may possibly be more lenient or less competent.

The courts have consistently held that marriage, while a civil contract, is more than that; it creates a relationship in which the

[4] *Trammell* v. *Vaughan*, 158 Missouri 214 (1900).

[5] Fred S. Hall, *Medical Certification for Marriage* (1925), pp. 53–56. This standard work has been used as authority for various statements of fact that are made in this article.

state has a vital interest, and which it has a right to regulate. Wisconsin, which enacted the first law requiring medical certification for marriage, is the only state in which the question of the constitutionality of such legislation has been tried. In an early case the Wisconsin law in its original form was held to be constitutional, though there was much room for criticism of the law. The court declared that, under the police power, the state could require the medical certificate and that the requirement did not infringe on an individual's religious liberty. At that time the Wisconsin statute required proof of freedom from venereal disease on the part of the man only, and it was held that there was no discrimination in this provision which invalidated the statute.[6]

One weakness of the effect of this legislation is that it has generally been held by the courts to be directory rather than mandatory. Marriages consummated in violation of the prohibitions against consanguinity or race are usually expressly declared to be null and void. Not so with the health requirement. Many states still recognize the common-law marriage, either expressly or impliedly, and, where it is legally possible to avoid even the licensing requirements, it follows that it is easy to avoid other details of the law.

In discussing the essentials of a good statute, the opinions expressed in the following pages have been derived from a comparison of the statutes now in effect. The legislation dealing with this subject is so recent that it is still largely experimental. Probably the best authority that can be cited is the study made by Mr. Hall, to which reference has just been made, regarding the experience of the state that has had the longest experience in this field—Wisconsin. The standards and recommendations suggested in the Hall study did not, unfortunately, cover all the various aspects of the subject.

The most effective system of controlling venereal disease through marriage legislation is probably universal compulsory medical certification. According to this plan, the person who seeks a marriage license must present to the issuing official at the time of making application medical certification of recent date for both the parties,[7]

[6] *Peterson* v. *Widule*, 157 Wisconsin 641; 147 N.W. 966; Ann. Cases 1916B 1040; 52 L.R.A. (N.S.) 778 (1914).

[7] Hall, *op. cit.*, p. 50. Requirement of a certificate from the man only was a serious criticism of the early Wisconsin law.

showing freedom from all venereal disease in an infectious stage or in a stage likely to become infectious. It should be issued by a competent physician according to a form prescribed by statute and accompanied by a report of recognized clinical and laboratory tests for both syphilis and gonorrhea which may be prescribed under the direction of the state department of health. There should be a statutory limit for the physician's fee; perhaps $5.00 would be a fair amount, with provision for free physical examination by doctors in the service of the state or one of its agencies for those unable to pay and for free laboratory tests for all under the direction of the state department of health. There should be some means of checking on the applicant who is denied a license because he is disqualified. It has been suggested that machinery be provided for state registration of the names of such applicants, with a requirement that a certificate secured at a later date must be from the same doctor. Obviously, there should be provision for exceptions to this rule, but these should be made by the court only in cases of great emergency and under circumstances that would be better defined by the court from individual circumstances rather than by statute. Certainly, the alleged pregnancy of the woman is an inadequate reason for waiving the requirement for certification. When an exception is granted, the parties should be required to have the examination soon after marriage. The resident of the state who leaves it, contracts marriage elsewhere, and then returns to make his home in the state should be required to meet the health provisions as though he had married in the state.

Records of certification and laboratory reports should be kept confidential; they should be filed separately from the other marriage records and should be produced only on court order. All persons having knowledge of such records should be charged to keep them confidential. Provision should be made for free appeal to the courts for the individual who has been denied a license. In addition to the usual penalties provided for the individual who marries in violation of the law or perjures himself by giving false information, or for the physician who knowingly makes a false statement in the certificate, and for anyone who divulges knowledge secured from confidential records, a person who violates the law should also be liable to the party injured by the revelation of these confidences.

In the following pages[8] the subjects listed above as indicating a satisfactory statute will be discussed in detail, and the acts of the various states will be compared with the standards and principles already discussed.

Compulsory medical certification as a requisite for securing the marriage license is now required as the best method of prohibiting the marriage of diseased persons in the following fourteen states: Alabama, Connecticut, Illinois, Kentucky, Louisiana, Michigan, New Hampshire, New York, North Dakota, Oregon, Rhode Island, Texas, Wisconsin, and Wyoming.

Marriage of diseased persons is regulated in connection with the venereal-disease-control programs offered by California and Oklahoma, but the subject is not mentioned in the marriage laws. California attempts the control and treatment, as well as the prevention, of venereal disease by a comprehensive program which includes the compulsory reporting of cases and of sources of infection and by the establishment of facilities for treatment. One who marries in California, knowing that he has a venereal disease in an infectious state, is subject to a penalty; even the spouse may be required to testify against the person being prosecuted.

Oklahoma requires every infected person to report and to submit to examination and treatment by a reputable doctor. A penalty for failure to do this is imposed upon the person who marries after becoming infected and without being pronounced cured, in writing, by a reputable physician.

This group of states should also include the state of Maine, which prohibits the marriage of any person having syphilis until he has a certificate from an attending physician that he is cured of the disease. The Maine statute does not outline penalties, but it empowers the state department of health to make the necessary regulations. Every doctor is required to keep a record of all cases of syphilis that come under his observation and care and to use reasonable means to ascertain the intentions of his syphilitic patients as to marriage.

[8] Throughout this article the citations to the statutes have been omitted. The authority for these statements may be found without difficulty in the sections of the statutes entitled "Domestic Relations," "Health," "Husband and Wife," or "Marriage," or, in the case of Connecticut, "Offenses against Public Policy."

The doctor is admonished to warn patients of the legal, moral, and physical evils of contracting marriage. If the physician learns that a patient intends to marry, he is to notify the local board of health or the health officers who are empowered to notify the other party to the intended marriage.

In another group including five states—Nebraska, North Carolina, Pennsylvania, Virginia, and Washington—the marriage of a diseased person is prohibited, but an affidavit is accepted as adequate proof of one's health. In Nebraska an affidavit must be secured from each applicant for a license to show that he is free from venereal disease. In Pennsylvania the application for a marriage license must contain a statement that neither of the parties is afflicted with a transmissible disease. In Virginia the clerk who issues the licenses may accept the man's affidavit that he is free from venereal disease and that he believes the woman to be free. There is a penalty for marrying if, at the time, either person is afflicted with any contagious venereal disease. Virginia also authorizes any person who knows that a prospective bride or groom fails to fulfil the legal requirements to present evidence to the clerk or minister or officer that the license should not be issued or the ceremony not be performed. In Washington the affidavit of the man must show that he is not afflicted with any contagious venereal disease, but when the woman is past forty-five years of age there is no affidavit required.

North Carolina at one time required the groom to present a certificate, executed within seven days by a reputable physician who was licensed to practice medicine and surgery in the state and who resided in the county in which the applicant resided, or a certificate supplied without charge by the county health officer, to show the groom's freedom from venereal disease. A later act apparently offers an alternative to the certificate by permitting the groom to file with his application an affidavit setting forth the fact that he does not have venereal disease and has not had it during the two preceding years. Such an affidavit must be signed by the maker and sworn to before the registrar of deeds or some other person with authority to give oaths who shall do so without charge.

Vermont penalizes the person who marries with the knowledge that he or she is infected with gonorrhea or syphilis, without as-

surance and certification from a physician that he or she is free from such a disease.

In one group of states the marriage of diseased persons is definitely prohibited. Delaware prohibits the marriage of persons with venereal disease, and Utah prohibits the marriage of persons afflicted with syphilis or gonorrhea "that is uncured." New Jersey prohibits the marriage if either person, at the time of making application, is infected with gonorrhea, syphilis, or chancroid in a communicable stage, while Indiana prohibits the marriage of persons either of whom has a transmissible disease. The statutes in these states make no provision for enforcement, so that their effect may be regarded as slight.

No statutory provision regarding the marriage of the venereally diseased is made in the remaining twenty-one states and the District of Columbia. The states are the following: Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, Ohio, South Carolina, South Dakota, Tennessee, and West Virginia.

As to the detail of the venereal disease regulations, the question has been raised as to whether or not both parties to the marriage should be included. Both a man and a woman who contemplate marriage should present medical certificates, and this is the law in the following nine states that require medical certificates: Connecticut, Illinois, Kentucky, Michigan, New Hampshire, New York, Oregon, Rhode Island, and Wisconsin. However, a certificate from the prospective groom only is required in five states: Alabama, Louisiana, North Dakota, Texas, and Wyoming. The certificate which may be presented and filed in North Carolina in lieu of an affidavit is required of the man only; the statute is specific in pointing out that "the bride shall not be required to stand a physical examination."

The certificate should show that the physician believes that, as nearly as can be determined on the basis of a thorough examination, the individual is free from all venereal diseases in the infectious stages or likely to become infectious.

Six states of the fourteen that have routine certification may be

criticized for going a step too far by requiring the applicant to show freedom from all venereal disease. These states are Alabama, Illinois, Kentucky, Louisiana, Michigan, and Texas.

Wisconsin requires the man to show freedom from all venereal diseases on the basis of a thorough examination, while both the man and the woman must show a negative return from a Wassermann test for syphilis. If either applicant has ever been afflicted with gonorrhea or syphilis, he cannot secure a license until he can present a certificate from the director of the state board of health laboratory of hygiene, from a branch laboratory of the same board, or from a state co-operative laboratory controlled by the state board of health. Such a certificate must show that, on the basis of a microscopical examination, the individual named is not in an infective or in a communicable state of gonorrhea, or one may substitute a certificate from the director of the psychiatric institute at Mendota that, on the basis of a Wassermann test, the person named is not in an infective or communicable state of syphilis. In cases where an individual has been infected with both gonorrhea and syphilis, both certificates must be secured.

A certificate showing the applicant to be free from all contagious venereal diseases is required in three states—North Dakota, Oregon, and Wyoming. Wyoming, in fixing the penalty for marrying in violation of the law, further defines the diseases as syphilis, gonococcus infection, or chancroid in an infectious stage, or syphilis in a stage at which it could be transmitted to the issue of the infected person.

The Oregon law provides that, if the applicant's blood test shows a positive reaction for syphilis but in the opinion of the physician the applicant is, nevertheless, permanently noncontagious and noninfectious, by reason of other clinical findings and previous adequate treatment, the physician may, with the approval of the state board of health, issue the certificate.

Connecticut and New York require certificates regarding syphilis only to show that the applicant has no infection or is not in a stage of the disease which might become communicable. Rhode Island requires a certificate showing that, in the opinion of the physician, the applicant is free from both gonorrhea and syphilis or that his disease is in such a state that it is not likely to become communi-

cable. New Hampshire formerly required a certificate showing freedom from both syphilis and gonorrhea on the part of persons who were known to the state board of health, the board having secured knowledge of cases by means of compulsory reporting on the part of doctors; but a later statute, effective October 1, 1938, requires routine medical certification to show that, in the physician's opinion, the applicant is not infected with syphilis or in a stage that may become communicable.

Four of the states which do not require routine medical certification but prohibit the marriage of the infected specify the diseases to which the prohibitions apply. Maine requires a certificate only from the sufferer with syphilis, to show that he has been cured, and Vermont makes a similar requirement regarding both syphilis and gonorrhea. California prohibits the marriage of persons with venereal disease, which it defines to include syphilis, gonorrhea, chancroid, lymphogranuloma, inguinale, and granuloma inguinale. Oklahoma fixes a penalty on the infected person who marries before being cured and defines venereal disease to include any and all diseases commonly communicable from any person to any other person of opposite sex through sexual intercourse and declared by medical science or accredited medical schools to be infectious or contagious. An "infected person" is defined as one of either sex who may be afflicted with any venereal disease.

It is desirable that there be a time limit on the date of the certificate in order to make more certain the fact that the certificate gives a true picture of the individual's physical condition at the time of the application for a license.

States that have routine certification specify limits ranging from ten to forty days. Oregon and Wyoming require that the certificate be dated within ten days preceding the application for a license; Alabama, Illinois, Kentucky, Louisiana, Michigan, and Wisconsin each specify a limit of fifteen days; New York has a limit of twenty days, New Hampshire of thirty days, while Connecticut and Rhode Island each have limitations of forty days.

The one state that makes provision for extending the time limit is New York. A justice of the supreme court, the county judge of the county in which the woman resides, or the judge of the children's

court of such county if the girl is between the ages of fourteen and sixteen, may make an order extending the twenty-day period of time in which a license may be secured to a period of not more than ninety days; this the judge may do because of emergency or other cause shown by affidavit or other proof, if he is satisfied that the public health and welfare will not be injuriously affected thereby. The application for extension must be made by both parties and may be made during the twenty-day period, at the expiration of it, or afterward. The order to the clerk to extend the time must be accompanied by a written memorandum from the judge or justice reciting his reasons for granting the order. Such an order and memorandum must be filed by the clerk and held in strictest confidence.

The certificate should be made by a competent physician who is at least licensed to practice in the state. There is considerable variation among the states on this subject. Twelve of the fourteen states that require certification specify requirements that the physician must meet, and no two states are alike in this respect.

Texas requires that the physician must be "licensed and reputable." Wyoming requires that the licensed physician must be practicing in the state, and Alabama requires that he be licensed in the state. Oregon requires that the physician must be a resident of the state as well as licensed in the state, while Wisconsin provides that the certificate filed by a male applicant shall be made by a licensed physician who is a resident of Wisconsin or of the state in which the man who is applying resides. Wisconsin provides further that the doctors who take part in the necessary procedure shall be designated by the state board of health.

Illinois, Louisiana, New Hampshire, New York, and Rhode Island simply require that the certifying physician be licensed. North Dakota permits the applicant to bring a statement from any licensed physician other than himself. Connecticut specifies that the doctor must be licensed and only recently, on June 11, 1937, extended the definition to include the "osteopathic physician." Kentucky and Michigan do not specify any requirement.

Two states that do not require the medical certificate as a routine matter make specifications regarding the physician. Vermont, which penalizes the person who marries knowing that he is infected with

syphilis or gonorrhea, requires the infected person to present a certificate from a legally qualified practitioner of medicine and surgery showing the applicant to be free from such disease. Oklahoma places a penalty upon the infected person who marries before being discharged and pronounced cured in writing by a reputable physician. Such a doctor should be a reputable physician who has complied with all the requirements of the law regarding the practice of his respective school of medicine and is duly licensed by law. Maine and California likewise fix penalties for infected persons who marry; California fails to describe any method of proving freedom from infection, but Maine requires a certificate from the applicant regarding syphilis only. There is no statutory requirement for the physician to meet, but the state department of health is empowered to make regulations prescribing methods for "diagnosticating" the disease.

The form of the certificate should be prescribed by statute or by the state health department. A form is prescribed in the statutes of Alabama, Illinois, Louisiana, and Wisconsin. Four other states specify that the form is to be determined by a state agency: in Kentucky and in Rhode Island it is the state health department, in Michigan the state commissioner of health, and in Oregon the state board of eugenics.

An important feature of the certificate is the report of laboratory tests which should be submitted with each certificate. It is preferable that they be required for both syphilis and gonorrhea. The language on this subject should be rather general, and the state department of health should be authorized to prescribe the tests in order that they may conform to the best usage of changing medical science.

Of the fourteen states which require medical certification for marriage, nine specify that such certificates be made with the aid of laboratory tests. The language varies, but the requirement is usually for standard laboratory tests. Illinois and Michigan require laboratory tests for both syphilis and gonorrhea, while Connecticut, New Hampshire, New York, and Rhode Island each require blood tests for syphilis only. Kentucky and Oregon require that standard

blood tests be made for syphilis but do not require tests to be made for gonorrhea expect where the need is indicated.

Wisconsin requires a laboratory report on the Wassermann test for syphilis. If an applicant has been infected with either gonorrhea or syphilis, he must present a certificate from the director of the state board of health laboratory of hygiene, from one of the board's branch laboratories, or from a state co-operative laboratory controlled by the state board of health, setting forth the fact that the necessary microscopical examination, the necessary blood test for Wassermann reaction for syphilis, or both such tests had been made. Any other laboratory tests to accompany the man's application may be made at the doctor's discretion.

Certification may be made without laboratory aid in North Dakota, Texas, and Wyoming, while in Alabama and in Louisiana laboratory tests may be made at the discretion of the examining physician.

A number of the states wisely delegate to the state department of health the task of approving the type of laboratory test required instead of specifying the forms in the statute. These states are Connecticut, New Hampshire, New York, and Rhode Island. Michigan requires that all laboratory tests be made by the Michigan department of health or by a laboratory registered by this department, and Kentucky requires that each specimen for laboratory tests be submitted in a manner prescribed by the board of health.

There is a question regarding the doctor's fee. Possibly a maximum physician's fee of $5.00 should be set by statute. Alabama and Oregon allow $5.00 for each examination; Louisiana, North Dakota, and Wisconsin set the fee at $2.00. Wisconsin and Louisiana carefully specify that the fee must be paid before the physician issues the certificate.

Free medical examination by a physician who represents the state or one of its agencies should be provided for those who are unable to pay. Of the fourteen states that require medical certification, only five provide for free medical examination. Alabama assigns this duty to the county health officer, Oregon, to the county physician, and Wisconsin, to the asylum doctor as well as to the county physician.

Louisiana specifies the parish, city, and asylum physician, the health officer, and the coroner. Rhode Island specifies that provision shall be made for free examination by the department of public health.

Two states that do not require routine medical certification for marriage but that place a prohibition on the marriage of diseased persons provide not only free examination but free treatment. California has set up a system of free clinics under the state department of health, and the Oklahoma statute provides that any infected person who applies to any physician in the state "shall receive treatment provided for regardless of his ability to pay."

There are questions of laboratory tests and facilities to meet the requirements. The state should provide free laboratory service to all through its own facilities or through laboratories which it approves. Of the nine states that require laboratory tests to accompany the physician's certificate, six provide this service free of charge by the state department of health. Oregon offers the facilities of the state board of health, and Illinois adds the health departments of cities and towns, where such exist, to the facilities of the state department of public health. Kentucky and Michigan offer the laboratories of the state department of health or of laboratories approved by them. New York provides the state department of health or a laboratory approved by it and, within the city of New York, the city health department or a laboratory approved by the department. Wisconsin provides that the requisite test for syphilis may be made free by the Wisconsin psychiatric institute at Mendota, and all the necessary tests may be made free of charge by the institute, by the state board of health laboratory of hygiene, by branches of the state laboratory, or by co-operative laboratories controlled by the state board of health.

Of the remaining states which require laboratory tests, Connecticut and New Hampshire specify that tests may be made by the state department of health or by laboratories approved by them; the statutes do not say that the services must be free, but this may be presumed to be the intent of the legislators. There remains only one other state which requires the laboratory test—Rhode Island—and that state provides that the test shall be made for a reasonable charge by the state department of health or by a laboratory approved by

the department. Louisiana, which requires a laboratory test only at the discretion of the physician, offers the free use of the state laboratory of hygiene.

In addition to specifications regarding the meeting of requirements, there should be some means of checking on the disqualified applicant. A system of state registration has been suggested as a possible solution, but no state has yet attempted to meet this problem.

Exceptions regarding the need for medical certification should be made by a court only in case of emergency, which should be determined on an individual basis. When an exception is granted, physical examination should be required after marriage. Four states permit exceptions, and in no two of these states are the provisions on this subject the same. Rhode Island has what might be regarded as the best safeguards. In Rhode Island the required certificate may be waived on order of a justice of the supreme, superior, or district court if he decides, on the basis of evidence presented in chambers, that public policy or the physical condition of either party requires the intended marriage to be celebrated without delay. The court has power to summon such persons as he may think advisable. The court sends notice of its determination to the clerk who keeps a confidential file of such papers. They are not matters of public record and may be examined only on written authorization of the court. However, after marriage one or both parties must submit as soon as feasible to examination and the necessary blood tests in accordance with the requirements of the law.

Oklahoma, which requires a clean bill of health only from the person who has been infected, requires that physicians' statements be kept confidential and shown only to duly appointed health authorities, or when ordered by the court as evidence.

In New York the need for medical certificate with laboratory report may be waived by a judge of the supreme court, of the county in which the woman resides, or of the children's court if the girl is aged between fourteen and sixteen years. Such an exception may be made because of emergency or other cause shown by proof if the applicants join in petitioning for the waiver of medical certificate and laboratory report with regard to either or both of the parties, and the judge

is satisfied that the public health and welfare will not be injuriously affected by granting the waiver. The order to the clerk dispensing with the certification requirement must be accompanied by a written memorandum from the judge reciting his reasons for granting the order. The order and the memorandum must be filed by the clerk and held in strictest confidence. The New York law adds a provision which undermines the benefit of these provisions to the effect that the section which requires certification shall not apply to either the man or the woman when the woman is pregnant at the time of application for the marriage license.

In New Hampshire the medical certificate may be waived by a justice of the superior court or by a judge of the probate court within the county where the proposed marriage is to be solemnized on application to the court and for good cause shown.

In Kentucky the county judge may order the clerk to issue a marriage license if other requirements are met, although one or both of the applicants have venereal disease, if the woman makes an affidavit that the marriage is necessary to confer legitimacy on an unborn child and if medical testimony shows pregnancy to exist. The judge must then make provision to have the diseased person treated by the Kentucky board of health. The Kentucky statute further provides that, if both parties have the same venereal disease and if sterility exists in one or both, the judge may hear medical testimony on the existence of sterility and the probability of the spread of venereal disease through marriage, and on adjudging that sterility does exist and that both parties suffer from the same venereal disease, if other requirements are met, he may order the clerk to issue a license. Again, arrangements must be made for both parties to be treated by the state board of health.

If a resident of a state marries out of the state and returns to make his home in the state, he should be required to conform with the law which demands a medical certificate. The only state with such a requirement is Rhode Island, which specifies that, if residents of Rhode Island contract a marriage outside the state and return to the state within six months to reside as husband and wife, both must file with the department of health the report of physical and laboratory examinations as well as a statement from a licensed physician,

certifying to freedom of both from infectious syphilis and gonorrhea. One who wilfully violates this requirement is subject to a penalty of a maximum fine of $250 or six months' imprisonment.

The confidential nature of the records of physical examination should be carefully safeguarded by separate filing and by prohibiting the disclosing of their contents except on order of a court.

New York is unique in the method of protecting its records; the New York act provides for a system of confidential filing under state supervision. Under the New York plan the detailed laboratory report is sent to the physician who examines it. The physician then makes his certificate and accompanies it, on the same form, with a statement from the person in charge of the laboratory, or someone authorized by him, which gives only the name and address of the person tested, the name of the test, and the date of completion, but *not* the results of the test. The physician then files the detailed laboratory report with the district state health officer or, if the city has a population of more than 50,000, with the department of health. The report must then be held in absolute confidence and not open to public inspection, but it may be produced for evidence by order of a judge at a trial in a court of competent jurisdiction involving issues in which the record may be relevant.

New Hampshire and Oregon declare that the medical certificate shall be regarded as confidential and shall be filed separately from the marriage record. Rhode Island also uses the separate filing system and throws elaborate safeguards around the records, declaring they are to be regarded as absolutely confidential.

There should be provision for appeal to the courts, preferably without cost to the applicant, for the individual who has been denied a license. Only two states which require certification have made provision for court appeal. The legislation in both states is recent. Oregon provides that, when an applicant has been refused a marriage license, he shall have the right to appeal, within ninety days from the date of refusal, to the circuit court in the county in which the application was denied. The court shall try the appeal summarily, without the intervention of jury, upon the certificates of the medical examiners and other pertinent evidence which may be offered. If an application for a marriage license is denied, no certificate

may be granted until the examining physician or two other physicians provide signed statements that the reason for denial has been removed through cure or until the court authorizes the granting of the certificate.

The other state which provides for court appeal is Kentucky. Its plan is similar to that of Oregon's in that it allows the same form of trial in the circuit court, but the appeal must be made within sixty days; if the applicant is found to be free of venereal disease and if other requirements are met, the clerk may be ordered to issue a license.

Two other states which do not require certification have also made provision for appeal to the courts. Virginia, which prohibits the marriage of persons afflicted with contagious venereal disease and which accepts the man's affidavit that he and the woman are not so diseased, specifies that the applicant who has been refused a license may appeal, at his own cost, to the courts in the county in which the woman resides and to the court of appeals of Virginia. Indiana, which prohibits the marriage of persons afflicted with a transmissible disease, makes the interesting provision of requiring the clerk to refer all disqualified persons at once to the circuit judge who is to determine without a jury whether or not the license shall be issued. Indiana is the only state which specifies that court appeal should be free of charge to the applicant.

Penalties are, of course, specified for violation of these laws in relation to venereal disease. Twelve out of the fourteen which require medical certification fix penalties (Connecticut and Texas are the two which have none), and there are five states other than those with routine certification which specify penalties. The first offense is that of marrying in violation of the law. The language varies from state to state. In some it refers to actual marriage; in others, to securing a license; in some it penalizes diseased persons who marry in violation; in others, only those who do so knowingly; in still others only persons whose disease is in an infectious state are penalized. Penalties range from $50 to $1,000 fine and maximum imprisonment of thirty days to five years.[9]

[9] A detailed examination of the penalties shows that North Dakota fixes a fine of from $50 to $500 or a maximum sentence of thirty days' imprisonment or both. Virginia has a maximum fine of $100 or ninety days in jail or both. Illinois and Wisconsin

Three states specify that misrepresentation on the part of the applicant constitutes a misdemeanor.[10] Nine states fix the important penalty against the physician who knowingly and wilfully makes a false statement in the applicant's certificate.[11] Such penalties range from $100 to $1,000 fine, from thirty days to one-year imprisonment, and include revocation of license. Five states which require certificates place specific penalties upon the authorized person who issues a license without meeting the requirements of the act.[12] Seven states[13] show recognition of the important matter of keeping the rec-

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specify a minimum fine of $100 or three months in jail or both. Maine assesses a fine of from $200 to $500 and sets the period of imprisonment at three to eleven months or both. New Hampshire has the same provision, except that it permits an extra month of imprisonment. California threatens the violator with a maximum fine of $500 or six months' imprisonment or both. Wyoming specifies a maximum fine of $1,000 or one year of imprisonment or both. Vermont specifies minimum penalties of $500 fine or two years imprisonment or both. Oklahoma imposes the most severe penalty by defining a violation as a felony which is punishable by incarceration of one to five years in the state penitentiary.

[10] These states are New York, Oregon (which specifies a maximum penalty of $100 fine or thirty days' imprisonment), and Wyoming (which fixes $1,000 fine or one-year imprisonment or both for this offense).

[11] Michigan and New York simply define such a violation as a misdemeanor. Kentucky specifies a maximum penalty of $100 fine or thirty days' imprisonment or both, while Oregon makes the same a flat penalty. Oregon also retains the more severe penalty of an earlier date, namely, the revocation of a physician's license to practice within the state. Alabama and Wisconsin fix maximum penalties of $100 fine or six months' imprisonment (Alabama adds "at hard labor for the county") or both, while Louisiana specifies the same as a flat penalty. Illinois assesses the falsifying doctor from $100 to $500 for each offense. In Maine a physician is subject to a fine of from $200 to $500 or from three to eleven months' imprisonment or both for false statement or for failing to report to the state board of health the names of venereal patients who intend to marry. Oklahoma penalizes the doctor who grants a discharge, before an infected person is actually cured, with a possible fine of from $100 to $500 or thirty days' imprisonment or both. Wyoming fixes the heaviest penalty against the doctor who falsifies, with a maximum fine of $1,000 or one-year imprisonment or both.

[12] These states are Michigan, which defines a violation as a misdemeanor; Kentucky, which fixes a maximum fine of $100 or thirty days' imprisonment or both; and Alabama, Louisiana, and Wisconsin, each of which place a maximum fine of $100 or six months' imprisonment. Alabama further specifies that the minimum fine is $50, that the imprisonment must be at hard labor for the county, and that the violator is subject to both fine and imprisonment.

[13] Michigan and New York define the violation as a misdemeanor. Oklahoma makes the violator liable for a fine of from $50 to $100. Louisiana and Wisconsin each fix a maximum fine of $100 or six months' imprisonment. Rhode Island specifies a maximum

ords confidential by penalizing the doctor, clerk, laboratory assistant, or other person who discloses information, except when required to do so for a court hearing. Five states[14] impose blanket penalties for violations of their respective acts either in addition to, or in place of, specific penalties.

TUBERCULOSIS

Only seven of the forty-eight states have legislation that controls the marriage of the person who suffers from tuberculosis, and, of the seven, in only one state may the legislation be said to approach adequacy.

Medical certification to show freedom from infectious tuberculosis should be required of each applicant for a marriage license if the legislation is to be effective. Three states require medical certification, but the state of Rhode Island is the only one which has an adequate program for enforcement. The law is essentially the same as the adequate law for venereal disease which has already been discussed. It may be pointed out that there should be no age exceptions and that it is unreasonable to limit the prohibition of marriage to the one who has the disease in an advanced stage.

In Rhode Island the applicant for a marriage license must present a certificate made on a form provided by the department of public health and signed by a licensed physician, showing that the applicant has submitted to physical examination and that, in the doctor's opinion, the person does not have tuberculosis in an infectious stage. The certificate shall be accompanied by a report of standard laboratory tests. The department of public health is required to make pro-

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fine of $50 or six months' imprisonment, and in Illinois the clerk or doctor who discloses information is subject to a fine of from $100 to $500 for each offense. Oklahoma is the only state which adds the desirable phrase which makes the violator subject to damages to the injured party.

[14] These states include Michigan, which defines a violation as a misdemeanor; Kentucky, which specifies a maximum fine of $100 or thirty days' imprisonment or both; North Dakota, with $50 to $500 or thirty days or both; New Hampshire, with $200 to $500 or three months to one year or both for violation of the early law controlling issuance of licenses by means of a physician's report to the health department, and penalty of $60 fine for each failure to comply with the later requirement of filing routine certificates of freedom from disease. Lastly, Maine specifies a fine of from $200 to $500 or three to eleven months' imprisonment or both.

vision for free examination of the indigent applicant. The reports of physical examination and laboratory test are to be filed separately from the marriage-license application and are to be held in strictest confidence by any person who should chance to have any knowledge of them. There is a maximum penalty of $250 fine or six months' imprisonment imposed on the person who divulges such information except on order of the court. The requirement for the certificate may be waived on written order of the justice of the supreme, superior, or district court who may hear evidence in his chambers and decide that public policy or the physical condition of either person requires the intended marriage to be celebrated without delay. The court may summon such persons as it deems advisable for such a hearing. The papers relative to the matter and the order to the clerk authorizing the issuance of a license are to be kept confidential and open to inspection only on order of the court. After the marriage, however, one or both parties shall be required to submit to physical examination. If residents of the state contract a marriage out of the state and within six months return to Rhode Island to live as husband and wife, they must conform to the law by filing the required certificate as evidence of freedom of both from infectious tuberculosis.

North Dakota and Washington have prohibitions against the marriage of persons with pulmonary tuberculosis in its advanced stages and require medical certification to show freedom from such a defect. The restriction applies in both states to women under forty-five years of age; in North Dakota, to a man of any age; and in Washington, to a man of any age unless he marries a woman over forty-five years of age. Both states require an affidavit showing freedom from the disease in its advanced stages; Washingon makes no specification as to the affidavit, but North Dakota requires that it shall be made by at least one licensed physician other than the applicant.

At one time North Carolina required each prospective bride and groom to present a physician's certificate, executed within the preceding seven days, to show the nonexistence of tuberculosis in the infectious stages on the part of the applicants. Free services of the county health officer were provided. Penalties were specified for the

official who issued a license without the certificate or contrary to the law's requirement and against the physician who knowingly made a false statement in the certificate. A later law nullifies this good provision by offering an alternative in the form of an affidavit to be made by the groom only, to certify that he does not have active tuberculosis and has not suffered from it in the two preceding years. The affidavit must be signed by the maker and sworn to before the registrar or other person authorized to give oaths, who shall not charge for his services. The statute makes specific provision to the effect that the prospective bride shall not be required to stand a physical examination.

Delaware prohibits the marriage of every person who suffers from a communicable disease, the nature of which is unknown to the other party. Indiana and Pennsylvania each have a simple prohibition against the marriage of persons with a transmissible disease, and in the latter state the application for a marriage license must contain a statement that neither the man nor the woman is so afflicted. Indiana has a provision whereby each application for a license which has been rejected shall at once be referred by the clerk, without expense to the applicant, to the circuit judge who shall hear the case without a jury and determine whether or not the license shall be issued.

CHILDREN'S AND MINORS' SERVICE
RELIEF ADMINISTRATION, CHICAGO

[*To be continued*]

A SOCIAL CASE RECORD FROM A PSYCHIATRIC CLINIC WITH TEACHING NOTES

CHARLOTTE TOWLE

Thomas Corrigan[1]

(A Boy of Normal Intelligence Who Was Referred to the Psychiatric Service by a Pediatrician in a Children's Hospital because No Organic Basis Was Found for His Physical Symptoms)

SETTING

[Patient is hospitalized in the children's hospital of a large medical institution. The mother is referred to the psychiatric department with the explanation that there may be reasons, other than a physical basis, for his symptoms, with the recommendation that he be given a mental test prior to his discharge. According to procedure in the psychiatric department the mother is first interviewed by a social case worker.]

NARRATIVE RECORD, PSYCHIATRIC CLINIC

November 10, 1937.—Patient, born August 19, 1929, was referred to Psychiatry by Dr. T. for a psychometric test.

Medical situation.—Patient was brought to Clinic on November 5, 1937, with the complaints of dizzy spells, headaches, double vision, and temporary blindness. The medical findings were essentially negative. Patient returned for neurological examination on November 9, 1937. Dr. X. found no neurological signs and the diagnosis was minor convulsions. Patient was hospitalized November 9, 1937, for observation and for an electroencephalogram, which was negative. In eye consultation, visual acuity unaided was normal. Dental caries to be cared for by private dentist. The tuberculin test was negative.

SOCIAL SITUATION

Family makeup:	*Age*	*Place of Birth*	*Occupation*
John (father).....	32	Syracuse, N.Y.	At City and County Tuberculosis Sanitarium, this city, for last six months

[1] This record has been preprinted from a volume of psychiatric clinic records to be published later by the University of Chicago Press. All personal and place names and other identifying data have been changed. Otherwise, only slight alterations have been made by the editor in the interest of brevity and clarity.

Reprints of this record appearing in this issue of the *Social Service Review* are available from the University of Chicago Press, 5750 Ellis Avenue, Chicago, Illinois, at 10 cents per copy; minimum order, ten copies, $1.00.

Margaret McDougal (mother)	31	Centerville, N.Y.	Housewife
John (brother)	10	Westfield, N.Y.	Grade V, St. X. School, this city
Thomas (patient)	8	Westfield, N.Y.	Grade II, St. X. School, this city
Mary Anne (sister)	3	This city	
Michael (brother)	9 mos.	This city	

Agencies interested:	*Date*
City and County Tuberculosis Sanitarium	June 1, 1937
County Hospital	October 3, 1936; March 15, 1937
Court of Domestic Relations	November 5, 1935
Public Relief	September 22, 1936

Informants.—Mother was asked to stop in office after visiting hours at hospital. She appears to be a rather young, pleasant person with an earnest manner. One had the feeling that she was fairly adequate and rather a dominant person. She was neatly, although not well, dressed. Worker explained why we were interested in talking to her and interpreted the service. Mother said she could understand all about this as she had been a nurse and remembered how they had to learn something of the family background. Mother said she could not stay as she had little children at home. Worker suggested that perhaps she would care to return later, and she answered that she could take fifteen minutes now and thought she could give the most important details. Worker outlined information that might be most helpful, and mother talked with few interruptions for more than fifteen minutes.

Symptoms of concern.—Mother explained the reason for patient being brought to the hospital and seemed to feel that the main difficulty was physical. She did not appear concerned because of the psychometric test or the possibility of mental retardation, until late in the interview. After giving a spontaneous account of the physical symptoms, she referred to his speech defect and later to a recent temper tantrum and several stealing episodes.

Patient has complained of dizziness and headaches for the last two years. There was a sudden onset, and mother associated this with an illness of scarlet fever at the age of six. Patient had been given a serum and was told to stay in bed, but he refused and returned from school that day with the story of being blind for a few moments. These attacks continued spasmodically and then began to appear at shorter intervals until recently

the headaches and dizziness were occurring almost every day. From age six to age seven they occurred every month or two; at seven, every week. Finally, in the last six months they occurred about two or three times a week, and daily in the past month. For instance, the week before hospitalization he had one Friday, Saturday, Sunday, Monday, Tuesday, even though some were school holidays. The past month, patient began to complain of seeing double; often his mother would be seen in the air and on the floor at the same time. Figures were to be seen, but they were headless. Mary Anne was said to have three mouths. These "visions" occurred at different times during the day, and there was no particular incident associated with them. Mother always tried to reassure him, but finally realized something must be wrong. She was not worried about the headaches so much, as she had been told that these might be expected owing to head injuries which patient sustained—one at the age of four, another when he was seven.

At the age of four, patient fell from a trunk to a concrete floor and was unconscious for several hours, but there was no apparent injury. When he was seven, he fell from a tree and was stunned, although not unconscious. A doctor was called when, two days later, patient began to vomit. He was taken to the County Hospital and remained there for two or three months. There was no hemorrhaging, and six X-rays revealed no injury, but the doctor said patient would probably have headaches. Mother does not think patient heard this or that it was ever mentioned before him. These headaches are essentially the same and during the last three weeks have been daily. Mother can always tell when one is beginning, as patient's eyes are drawn with pain. They become glassy and converge. There is no nausea, vomiting, or drowsiness. Mother has always given him aspirin with a glass of warm milk and then put him to bed, and he sleeps soundly all night, awaking the next morning with no aftereffects. Usually the headaches appear about six o'clock, but often during school hours. Mother knows that patient does not care for school and realizes this might be a factor, but is inclined to discard the idea of his trying to get out of school, because he has had headaches on holidays and over the week end, thus missing the opportunity of playing. Mother has not observed any particular circumstances surrounding these attacks other than his being tired from too much play. She has observed that patient can precipitate these attacks by gazing at a given object for three or four minutes, and often this occurs when he is reading.

Mother is also concerned because patient has a speech defect, "almost a baby talk." At the age of a year and a half, when he was badly burned, pa-

tient was talking exceptionally well. This was a terrific shock to him and to the mother, and she feels bad that he is still quite scarred (on the body—no facial disfigurement). She does not believe that patient ever thinks about it. Following this experience, patient had pneumonia and was ill for over three months. He stopped talking and never said a word for six months. When he was about two and a half he began to "grunt," and this remained his only means of expression for two years. At the age of four and a half he began to use words again, but these were indistinct and there seemed to be an "impediment." The letters *s* and *ʃ* were especially difficult. He has had no special training, but there is some improvement. At the age of seven he began to stutter and still does. During the period when he was not talking, about the age of three, he had mumps and chicken pox. At the age of seven, when the stuttering began, there was a series of incidents, including the fall from the tree and subsequent hospitalization; a bite from a mad dog, which necessitated the Pasteur treatment, and "these twenty-eight shots over a long period kept him from school for three months"; also his father's illness and his failure in school.

Family background.—Father came to this city about six years ago from New York. He was employed at the steel mills. Last January he began to lose weight, but there were no other indications of tuberculosis. He weighed 200 pounds and was soon reduced to 145 pounds, but continued to work and did so until the day before he entered the hospital. He was taken to the County Hospital in March, 1937, and stayed about three months, eventually being sent to the City and County Tuberculosis Sanitarium, where he is now, and he is still very ill. [Mother and children are under routine medical supervision of C.C.T.S. No pathology noted.]

Mother also comes from New York and studied at the City Hospital in Buffalo. She lacked only one month of finishing her nursing training when she decided to get married. She commented somewhat defensively, "I am not sorry about that." After father was sent to C.C.T.S. it was necessary to accept relief, and at present they receive aid from the public relief agency. [The family was registered with public relief agency September 22, 1936. Report secured later contributed no additional information.] The worker there keeps telling her to get a job, and she would like to do this but feels she must first find something which will make it possible to get a housekeeper to care for the younger children. Mother has a friend who has been trying to get her accepted by a private family agency, as they can assure rent and this is the main item that bothers her. Mother has no relatives in this city, and those elsewhere have families and such

low incomes that they are unable to assist her, except with an occasional dollar bill, which usually goes for rent. Mother made no mention of her marital relationship. [Reports secured later indicated that on November 5, 1935, she went to the Court of Domestic Relations, where she lodged a complaint for nonsupport. She stated that father made insufficient money to care for the family and that he was alcoholic, physically abusive, and used bad language in the presence of the children. She broke a return appointment and was not heard from again.]

The family have been at the present address only about one month. There is one room, with a stove in the corner, and the bathroom is shared. All five are sleeping in this one room—John, patient, and Mary Anne in one bed, Michael in the crib, and mother on the studio couch. Mother said that she was not satisfied but it could not be helped, so she was trying to make the best of it by keeping the place clean and by trying to be cheery. She felt it was the hardest on the children, as they are always in each other's way.

Siblings.—John is a bright, nice looking, and extremely neat boy, who is definitely the favorite of the father. Mother feels this is because he is so much like his father in being meticulous. Mother says she thinks she is partial to patient because he has been ill so much and seems so helpless. John is so adequate and always seems to know about things and is dependable, while patient needs attention. Mother said: "Just to give you an idea of the difference, John can wear a shirt all week and still it will be clean and will be taken off and neatly kept for another wearing. Patient could be changed twice a day and still both shirts would look as if he had wallowed in a mudhole." The boys are always quarreling, but John gives in because he feels that patient is ill. Usually the "squabbles" are over possessions.

Mary Anne is a healthy little girl of three and quite the favorite of all because she is a little sister. Patient cares a great deal for her, and tears came to his eyes when he asked about her during the stay in the hospital.

Michael is the "Little Irishman," and patient is more affectionate with the baby than with anyone else. He not only plays happily with him but enjoys caring for him. Recently mother overheard patient say, "No one loves me but you, Mike." Mother says that patient is extremely warm-hearted and affectionate.

Patient.—Parents were anxious for another child and were glad that patient was a boy. Mother felt well during pregnancy, and delivery was normal, although patient was a big baby, weighing eleven pounds. He was cyanotic, and there was some difficulty in reviving him at birth.

Mother said it was a bit difficult with so many to remember just exactly about his development, but she knew he was normal. He was breast fed and weaned at about six months with no difficulty. He sat at six months and walked and talked at a year. There was never any difficulty with toilet training, and patient was dry when about two years old.

Mother says patient has a good appetite, but there are times when he seems to have definite likes and dislikes. He likes milk and vegetables but refuses to eat meat. When he was seven he was very fond of liver and bacon, but suddenly turned against this dish. The family receive only $1.00 per day for food, but mother attempts to have balanced meals and to have these regularly. Patient sleeps well and is usually in bed by seven or eight. No night terrors or other sleep disturbances have been noticed.

Mother has thought of sex as a possible concern to patient, but he has not asked questions. The last children were something of surprises; the boys knew she was going to the hospital and also that she was pregnant, but they were not prepared for mother to return with the babies.

Patient attended kindergarten and did well. He was happy in the first grade, did good work, and liked school. He entered second grade but, owing to the various interruptions of illness and accidents, was unable to keep up with the class and repeated the first grade in order to get a firmer foundation. He was quite bored, as much of the work was repetitious. He refused to study and annoyed the teacher by shuffling his feet and sulking. The teacher was not sympathetic and really was unkind, so that patient hated her and was most miserable all last year. On one occasion patient came home with his shirt torn and all the buttons off. He said the teacher had done it, and mother later learned that she had slapped and cuffed him because of his refusal to concentrate upon some assignment. Mother does not wish to make disparaging remarks about the teacher, for she realizes that patient was probably a problem, but she feels that the teacher might have been more patient. He is now in the second grade and likes his teacher, who spends extra time with him, trying to help him with his reading. Mother feels that she is a very encouraging teacher and that the school situation has improved.

The children have no toys, only a few books of comic strips. All are interested in getting a radio, so that every penny is put in the bank to save for this. Patient earns ten to fifteen cents each day doing errands for people at the apartment hotel and he always brings this home and gives it to mother. Often she suggests that he take a nickel for an ice-cream cone, but he refuses. Patient "is death on clubs." He is always organizing children in the neighborhood, and then a clubhouse is built. Although he makes friends easily, he does not stay friends and does not like any group

activity. He chooses one friend at a time, a boy about his own age. He does not seem to care for John as a companion. Patient enjoys being around the house with mother or else by himself, hammering and building a clubhouse from old boxes and barrels. If anyone tampers with his clubhouse he gets furious. Last week, after he had spent days building a clubhouse, he learned that some boys had been in it and he tore the whole thing to pieces. Recently he made a clubhouse from a wrecked auto. Someone played in it while he was gone, and on discovering this he took a hatchet and a knife and ripped all the leather to shreds, demolishing what he had carefully completed only a few days before. Mother had never noticed that patient had a temper until these episodes and his behavior the day before at the hospital. When it was decided that he should stay at the hospital, she was almost frightened when he began to scream, hit the radiator, and jump up and down in a frenzy. She decided that it was because he had experienced so many hospitalizations he was fearful. He was particularly upset by the tuberculin test, for he has hated anything resembling a prick ever since he received so many injections for rabies. In visiting him today, he seemed quite happy.

During the past month mother has noticed that patient will lie to her and that he has been taking pennies. She caught him with a dime taken from her purse to spend for candy. Mother can tell when he is falsifying because he cannot look her in the eyes. One night he said, "Will you promise not to do anything if I tell you something?" Having obtained this promise, he told her that he had taken three pennies, but he had earned a dime and wanted to repay what he had stolen.

Mother said she seldom needed to discipline any of the children and had administered few spankings. John never needs punishment, and patient is usually deprived of playing outdoors or of something he likes, such as ice cream. Patient appreciates praise, and mother uses this with all the children, but with patient, withholding praise is often a way of disciplining. Mother has always had the disciplining of the children, although patient minds father better if he tells him to do something. The past few weeks patient has become very disobedient and ignores anything that mother says to do. She will tell him to sit on a chair or that he cannot go out; and, as soon as her back is turned, he dashes out of the apartment.

The family are devout Catholics, and patient has always been a very loyal church member until the last month. Although he goes to confession he tries to break his fast so that he need not take communion. He "has a conscience and knows right from wrong, so that he is always being bothered by his conscience."

Disposition.—Mother said she had certainly talked for fifteen minutes

and she would be glad to come back later to discuss the tests. Mother commented that she had great confidence in the hospital and knew that whatever was wrong would be discovered. She knows that something is amiss and does not believe it is "just mental." She wants to get to the cause, so that she may prepare for the future. She said she could not believe that there was anything mentally wrong, and if there was she could not bear to have him taken away. Dr. T. had told her that he thought it was the beginning of migraine, but she had seen "minor convulsions" written on the chart, which they had permitted her to read. She thought this must refer to the dizziness. Mother would like to get the recommendations of the psychiatrist and feels that a "behavior clinic" is the place to help her. Mother thought patient would be hospitalized for another week and she will stop in on the seventeenth.

November 13, 1937.—Mother stopped at office and said that she had been called that morning and told that there was no psychological basis for patient's difficulties and that he could be discharged. The doctor said further that he was normal in every way physically and the headaches were probably just put on, so that she was very glad about it all. Worker said she was glad that mother was so well satisfied. Worker had not had an opportunity to talk with the psychiatrist but would, and then perhaps mother would care to come in to discuss these problems or anything else which might be of concern to her. Mother said, "I believe that what I need is your service, for there is something about Tom that worries me." Worker said she was free if mother wished to talk about this now. Mother talked rapidly, saying that Tom was waiting in the car with a friend who had brought her down.

Mother said she had mentioned that patient was stealing, but in the past few days she had unearthed other minor thefts which made her think that possibly this behavior had been going on longer than she thought. She said she could definitely say that patient had never taken a thing before coming into the present neighborhood. He had always been so honest. The family moved into this neighborhood about a month ago, and since then patient has developed all kinds of traits that need to be checked now. Yesterday, John told her that he learned from the storekeeper that patient had taken some grapes and apples. As the incident occurred about a week ago, she thought she would say nothing to patient. There are two children with whom patient is seen a great deal who have the reputation of being little thieves and beggars. Mother does not know that they have anything to do with influencing patient, but she does not approve of them. These children took some fruit the same day. One of them

told patient about getting eggs and milk from neighbors. She blames the parents who do not send the children to school and who permit them to stay up all hours of the night and to run the streets.

When patient arrived at the new apartment, he noticed a toy horse in the yard and later saw the owner playing with it. He commented that the boy had too many toys. Two weeks later patient had twenty cents from an unexplained origin; and, after much questioning, mother learned that he had taken the horse and sold it. Mother had patient return the money, get the horse, and return it to the boy. Patient was upset by this but acknowledged that he had done wrong and went to confession. However, he was supposed to fast until the next morning, so that he could have communion, but he refused to do this. Mother would like to know how she should deal with this and asked for an appointment on November 30. She said she might come in before and would follow the suggestion to observe the circumstances and incidents occurring at the time of tantrums, headaches, or misdemeanors, as this would help in understanding patient, and this is our main concern at this time.

PSYCHOLOGICAL REPORT

Stanford Revised—Form M

Chronological age, 8 years, 3 months (birth-date: August 19, 1929); mental age, 7 years, 6 months; I.Q., 91.

Test results.—The basal was established at 6 years; there were four and five tests passed on the 7- and 8-year levels, respectively. He could not repeat the sentence or form sentences at the 7-year level. On the 8-year level his only failure was in being able to give similarities. His ability in verbal absurdities though not passed on the 9- and 10-year levels were his best performance. The fact that he was unable to read may have penalized him slightly.

Test observations.—Co-operation was good. His speech is defective so that repetition is necessary to get everything he attempts to say. All tests involving pictures were passed, and he made no comments on what he saw except the ordinary responses expected for those situations.

Conclusion.—On the Revised Stanford an I.Q. of 91 was earned, which classifies him as a low average. However, his speech and reading are so poorly advanced that both will require special attention to permit him to make normal progress at school.

A. C. B., *Psychologist*

November 29, 1937. Case staffed in intake conference.—Psychologist commented that patient is a poor reader and his speech is rather indistinct. It was thought that probably the score was minimal. It was suggested that reading training might be helpful. Psychiatrist discussed case

from standpoint of possible psychogenic and organic origins, commenting that it was difficult to differentiate, as there were factors suggesting either basis. Psychotherapy was recommended. The economic and social factors were also discussed and measures for relieving environmental strains were suggested.

November 30, 1937.—Mother did not keep appointment.

December 2, 1937.—Mother telephoned worker and apologized for not keeping appointment. She has been ill. Mother said that she must talk with worker as soon as possible because a very upsetting incident had occurred the previous night and she needed to talk with someone. Mother spoke breathlessly and said it was terrible. Worker said that she would be free late in the afternoon if this were convenient, but mother decided to come the following Tuesday.

December 7, 1937.—Mother in office. She said that she appreciated the late appointment, but was sorry she had made it even later, but that was because of Tom, too. Worker said she realized it was difficult for mother to get away when there were small children and that she was glad to talk with her any time most convenient for her. Mother said she felt that we were the only ones who could help her and she was confronted with a really alarming problem. Worker said that we would be glad to help her in any way we could and that she was interested in whatever was of concern to her.

Mother said there were so many things she wanted to mention she did not know where to begin. Worker smiled encouragingly, and mother took a long breath and said first of all that there had been a change in the living conditions and that she felt better about this. Even though she had just moved from the third floor to the first floor in the same hotel about two weeks ago, the accommodations are better. She still has a one-room apartment, but it is much larger and there is a private bathroom. The kitchen is more convenient and the furniture better. Besides the "Murphy bed," there is a large studio couch which makes it possible for the older boys to sleep together on the bed, she and Mary Anne on the couch, and Michael still has his crib. Mother feels more secure now because she knows that the rent will be paid, although she is not certain that she was wise in changing to a private family society. Worker said she was interested to hear this, as we had thought that a private agency might be able to help her more. Mother said she had received her first check today and it was only $20.92, which was supposed to pay for two weeks' rent and the food. Rent amounts to $25 per month, which leaves little for food, but clothing is extra, so she is not complaining. When she was with the public

relief agency the rent was her chief worry, for she liked to feel that she had a clean, comfortable place for the children. Her friend had helped her in obtaining these funds, and she explained how these were allocated. This was one of the difficulties, because the money is sent to the parish priest, who appoints someone in the neighborhood to deliver the checks, and there is no worker with whom one can talk about family problems. Mr. R., who delivered her check, is a fine person, but an elderly bachelor and "rather proper," so that she knew he would not understand or be interested in patient. "Something has to be done with him."

Mother said she could not understand what had happened to patient. She recalled that she had told about one or two stealing episodes, but since then she has discovered innumerable thefts, and last Thursday was the worst one. Mother repeated that she was positive that patient had never stolen anything until the last six weeks, and this coincided with their move into the district. Mother has never punished patient, but talks with him.

On December 2, 1937, the landlady told a hotel guest that he had a letter in his box which he failed to find. Patient was said to have been seen at the box and was accused of taking the letter. Patient denied this but, after repeated questioning by the mother, admitted that he had taken the letter. He was assured that she was not going to do anything to him if he would only get the letter. He returned this and, as it was an advertisement, an apology was accepted. The landlady said that the same thing had happened about two weeks previous and now she wondered about that. Eventually mother learned that patient had taken the letter but had torn it in pieces, and she then remembered seeing torn pieces of a letter when they were on the third floor. Mother quizzed patient about other letters and learned that he had one or two more; she made him get these. They were hidden in a cupboard, but when mother went to look she was horrified to find a cache of dozens and dozens of letters. She was so shocked that she could not believe her eyes, and remembers that she did not know what to say to patient. Most of the letters were second-class mail, but there also were many personal letters and all had been opened. In a few instances the contents were gone. She took patient and went with him to return all the letters and to apologize. Patient trembled and was worried, but did not cry. His main fright came from the epithets and threats. Mother said that most of the people were kind and seemed to appreciate her predicament, although some were unpleasant. The persons not affected by the situation were the ones who said that the police should be called and that patient should be sent to jail or to a reformatory.

Although mother realizes that tampering with the mails is a federal offense, she feels that what has been done cannot be helped but wants to prevent any further stealing.

Worker granted that it was a grave situation and tried to lead her thinking into possible reasons for his behavior. Mother said she thought once that he might have gotten the idea from seeing her open two letters in which there had been money. Patient was present each time, and she remembered that his eyes brightened and that he commented about it. However, these letters came November 24 and 25, and some of the letters found in the cupboard were dated as far back as November 14, so that this could not have been his inspiration. Patient said it was his own idea and that he did it alone, but has been unable to say what he was seeking, although mother thinks it possible that he was looking for money. The letters would have been of no interest because patient cannot read, as he has learned only manuscript at school. John is more upset than patient because he feels it is so disgraceful. He asked patient how did they know that he had not taken letters belonging to mother since he could not read the names. Patient said he knew her box and that he had not taken any from there.

While patient was in the hospital several episodes came to light, so that mother thinks there is probably more than she knows. One or two of these made her feel that since it is known that patient has made one or two missteps he is blamed for many things he has not done. For instance, while patient was in the hospital a boy said that patient had taken his camera. On questioning, the theft was supposed to have occurred on a day that patient was in the hospital. When she told the boy this, he ran away. A group of children, of whom Danny was the spokesman, came to the door and said patient had taken a football. Mother said she told them they must mean John, as patient was in the hospital. They laughed and dispersed in a hurry.

One day he had some new dice, but mother was unable to learn why he wanted these or where he got the money for them. The man on the corner where John sells newspapers accused patient of taking pennies, although he did not know it was John's brother until later. John was terribly embarrassed by this, but mother had patient return the pennies when he confessed. Now, the man has taken the patient on to sell papers to help him. Mother discovered that the dog bank in which everyone has been saving money for the radio was empty. Patient admitted eventually that he had shaken the bank to get the dimes out over a period of several days. Mother caught patient taking a dime from her purse just as he was leaving

for school, and as she has never thought to count her change, she thinks he has probably done this before.

A guest on the third floor reported that twenty-nine cents had been taken, and the landlady accused patient. Mother could not get him to confess, as he said this woman was his favorite friend and he would not do that to her. Later, she said she knew patient did not do it as there were several others in the room who could have taken it. Patient had been there to take the laundry out.

In their own apartment some pennies and a quarter were on the table, and when John went for the money to go to the store, the pennies were not there. Patient denied this, but soon after the pennies appeared again.

Two weeks ago, a friend asked patient to stay at her apartment while she went on an errand. Later, she accused patient of taking some keys from the sewing-machine drawer, but this was denied. Mother can always tell when patient is being untruthful and knew that he had the keys, but it was not until three days later that he produced them. Mother took him to apologize and return the keys. Patient could give no explanation of why he wanted them, although later she learned that he had about a hundred keys cached in the basement which he said he had found. He had been accused before of trying to open the doors of every room in the hotel, and mother had not believed it, but she learned that it was the truth. Patient did not seem disturbed when he admitted this. No definite reason is ever given. Mother did not think that it was money. She thinks that he has such a reputation now that people will believe anything about him.

The possibility of moving was considered. John has also thought of moving from the neighborhood, but mother said this was difficult. Although she would like to have a larger place and in a better neighborhood, it is a question of money. Mother at one time had a six-room house and all her own furniture. The family had always lived in modest, but comfortable and pleasant, districts. When father went to the hospital and it was necessary to accept relief, the furniture was stored, but because it could not be redeemed, she lost it all. Her friend has offered to set her up in unfurnished rooms and supply all the furniture, as she has sufficient pieces stored in the attic. However, the family society will grant only $11 for unfurnished apartments and $25 for furnished. Mother has looked, but can find nothing for $11. Such a plan would also necessitate stove heat and use of coal. Patient was burned badly, and she fears the dangers of trying to watch the children besides trying to keep the house warm. Michael is now at the crawling stage and is on the floor most of the time, and if the place were not heated properly the children would get colds.

Mother is also worried about patient's change in personality. Since he returned from the hospital he has been unkind and crabby with Mike, which is most unusual because Mike was the one on whom he lavished a great deal of affection. The night preceding the letter incident, around dinner time, patient was unusually quiet and then, with no apparent reason, suddenly jumped up and struck John. After this, every time John passed he would stick out his foot and trip him. He goes around telling the family, "You are not going to get a Christmas present from me." He seems preoccupied, and now mother feels that his conscience may have been troubling him. As far as the headaches go, mother thinks that he was probably pretending much of the time. Since his discharge he has complained only once of a headache. This was before going to school, and mother told him that the doctors said nothing was wrong with him. She knew he did not have a headache and he was going to school. Patient then said his throat was sore, and mother said in that case he would have to stay in bed all day, and patient went to school with no further complaints. Mother knew nothing which had occurred which might be associated with the complaint at that time. Once when she mentioned that he could not have had all those headaches, that he was just pretending, he said, "Well, sometimes I *did*." The school situation has not improved, and the question of tutoring for patient was discussed. Mother plans to see the teacher about this, as she realizes the value of patient gaining confidence and security. He loves praise and should respond to the teacher, of whom he is very fond.

Patient's temper seems to be worse. She never considered that he really had one until she saw his reaction to hospitalization. Since then he often becomes furious at little things. He will come to the table and refuse to eat. Mother says she has good food—vegetables, soups, meat, and puddings—but patient says "no" with no reason except that he is not hungry. Mother insists that he sit down with the rest and then pays no more attention. Usually he ends by eating a full meal. Mother always has the boys do the supper dishes. Patient fusses and refuses and in some way or other always gets out of helping John, who can always be depended upon. John never complains. Sometimes patient will say he is tired and will undress for bed. Other times he just reads his funny books. Mother is sorry that there are no toys, but when they were stored with the furniture, they disappeared.

Usually, after the dishes, they read for awhile and go to bed around eight o'clock. With the present arrangement the children can go to bed and, if she wants to sit up longer, she can leave only the table light on.

Patient sleeps well, and no restlessness has been noted. She has heard him laugh out in his sleep quite often, but he does not awaken. He has never mentioned any dreams. Mother uncovers the boys occasionally, but she has never seen any evidence of masturbation. Mother does not think that patient is particularly interested in sex. She knows that he was quite upset by Mary Anne's physical difference. Patient is modest and likes others to be. Mother said that she has tried to teach him that motherhood is sacred and, when she was pregnant with Mike, she told them that the hand of God was on her and that she was carrying the baby under her heart. She had the boys put their hands on her, so that "they could feel life." After Mike was born there was a discussion about the operation for a baby at the hospital, and patient said he did not want mother to have any more babies as he did not want her to be hurt.

The past week patient has evidenced a great deal of fear as soon as it began to get dark. He seems afraid of the dark and comments even after he has pulled the shades that someone might come in. He has been unable to say who or what when questioned. He has suggested several times that he did not like to be on the first floor and thought they should move because it was not safe there. Mother has never noted any fear and is not sure what instilled this recent concern.

Another thing which is unlike patient is his recent refusal to help care for the children. This always falls on John, who is willing to help. Twice recently she had asked patient to stay with the children and he never showed up, so that she had to send for John to come from his work so that she could get away. She thought once that he might be somewhat ashamed of their place because he came home at noon this week and said he was not going back to school. Mother questioned him, and he said he was afraid that a certain boy would come home with him from school. Mother said why shouldn't he, and patient would not answer. Mother said she encouraged them to bring home their friends and that children do come, although she usually manages to have no more than one at a time.

Mother thinks that the situation might eventually necessitate their moving or at least getting patient away. She tried to plan for a vacation for him last summer. Although he was not stealing then, she thought some of his complaints would disappear if he went home with maternal grandmother, who visited last summer. Patient is very fond of his grandmother, who lives in New York and comes out every summer to see the family. She offered to take one of the children home with her. Mother considered this but could not decide which one should go. Mary Anne was too small; the baby was still nursing; John was needed to help her at home, and any-

way she was afraid if either of the boys went, the other would feel hurt; and when it came to patient she thought he would be too much trouble. Mother laughed as she said, "I guess the truth is, I could not let any of them go." Grandmother lives on a farm with a son who is employed in the city, and, although there is no real farm work, she felt the outdoors would be good for patient. Mother has three brothers and two sisters, all of whom are married and are living in New York. They are all in about the same position as she is, financially. Mother expressed her appreciation of a city and people who cared for people who became unfortunate and needed assistance for a short while. Patient always asks mother for stories "about home." Usually she tells him a story about the family, and he is satisfied to go to sleep. Two years ago the family went to visit, and patient enjoyed the trip and she thinks would be glad to go again if this seems best.

Mother does not blame two of his playmates, Danny and Jerry, but thinks they are a bad influence. They have been run out of many stores, actually caught with merchandise, and openly referred to as little thieves. Patient gets irritated by them and really has no interest in them because they swear. This is one habit patient does not have, nor will he be friends with anyone who curses, using God's name. He will cross the street if he hears foul language and "cut a person cold." Sometimes he will tell mother about some person who is considered terrible because of swearing. Mother thinks that he would fight a person about this. "He is a toughie" and is not afraid to tackle boys twelve to fourteen years of age. Frequently he does this at school, but what he is fighting about is not known. This type of behavior he always confesses. His conscience gets the best of him, but after going to confession he always manages to break his fast so that he need not take communion. Mother cannot understand why he suddenly refuses to abide by his religious instructions, for he has always been very religious.

John, who is devoted to his father and gravely concerned because father is worse, has been getting up at six every morning for ten days to pray for him. This making of a novena is made fun of by patient, who apparently feels no faith. This annoys John, but patient does not seem to mind. Mother thinks that patient has never been as close to father as John has and she is inclined to believe that father may have discriminated against patient because of his untidy appearance. The boys used to meet father when he got off the streetcar. Patient was, as usual, untidy and unkempt in his appearance while John looked very presentable. This always appealed to father, who would tell John to come to the store with him, while

he told patient to go home and get cleaned up. Patient would come home with his feelings hurt and would sulk in the corner. Mother has always tried to make this up to patient and asks him to go to store with her now regardless of how he looks. Mother said she was discouraged about father. She goes to see him each Sunday. Both lungs are now filled with fluid, and he is so ill that he has been moved to the "sick room." He has lost another twenty pounds. The children never go out to the sanitarium, but father telephones them about every other day and they all talk to him. Father is so "crazy about Mary Anne" and usually talks with her first. John is always eager and carries on a lengthy conversation; and, though patient talks to him, he does not seem very enthusiastic.

Mother said she must get home but wanted to tell worker these things and would come back in a day or two after the psychiatrist had heard of them. She then asked what the recommendations had been the first time, and worker explained that some of the things considered were already changed somewhat. That was the possibility of having private agency help with a worker who could assist in various family problems that arose. Worker said that it was felt that patient had had a series of disturbing experiences and that, with the more serious emotional factors, it would seem wise to formulate some plan to help these. It was suggested that it would be better to find the basic reason for these new developments in behavior and we would be glad to help. Mother is to return on December 10, 1937.

December 8, 1937. The interview of December 7, 1937, was discussed in staff conference.—Psychiatrist commented on the sequence of the symptoms. Direct treatment was recommended to be instituted at once.

December 10, 1937.—Mother was informed of worker's illness and another appointment was made for December 15, 1937.

December 16, 1937.—Mother did not keep her appointment the previous day; and, after discussing the situation with the psychiatrist, it was felt that an attempt should be made to get patient in. Worker telephoned mother, who said she was ill and could not keep her appointment. She had an acute attack of pleurisy and has been very miserable. She thought it would be possible to come in by Monday. Worker expressed her sympathy and regretted that she had been unable to keep the appointment on the tenth, as she had wished to discuss a plan recommended by the psychiatrist. Mother said she was anxious to take advantage of any plan, adding, "as I am simply at the rope's end, and I do have confidence in you all."

Mother said that since seeing worker she had talked with the teacher,

who suggested a heart-to-heart talk with the priest. Patient had just returned from an hour with the priest and was convulsed with sobs. She had been unable to learn what happened because patient could not stop weeping, but "evidently, it wasn't successful." Patient had said that he would never see the priest again. When the priest asked him to shake hands and part friends, patient refused and told him that he would never shake hands with him nor would he ever be his friend. Mother was concerned as well as surprised as the priest is a young man, well liked by everyone and especially by the boys in the community, because he arranges games and sports for them. Worker said it must have been pretty upsetting and that perhaps later the patient would tell mother more about it; naturally it was hard for mother and patient.

Worker said, although it was not easy to discuss the plan over the telephone, she would like to mention briefly what was suggested and hear how mother felt about the proposal. Worker explained the purpose of play therapy and the technique used and said that Miss X., who was especially experienced in this work, would be very glad to see patient. Mother said the plan sounded as if there were possibilities of getting at the base of the difficulty and she would be glad to bring patient in as long as it was necessary. Worker mentioned that we had hoped to begin before the holidays, and Miss X. had suggested Saturday before we realized that she had been ill. Mother said that John could bring patient on Saturday because she did not think he should come alone. Worker said it might be better if she brought him the first time, since he might have some feeling about coming to the hospital. Mother said she could probably come on Monday, and worker said she would call again when she knew when Miss X. would be free. It was suggested that mother might tell patient that he was coming to see a worker at the hospital who was not a doctor but who would play with him, get better acquainted, and help him, as she understood little boys sometimes had difficulties.

December 17, 1937.—The question of attempting to get patient started in treatment before the holidays, in view of the situation as reported yesterday, was discussed with the psychiatrist. She felt it was important to try, and that if mother did not feel well enough to come, it would be permissible to offer transportation. It was suggested that a Christmas present might be given patient.

Later.—Worker telephoned mother and asked how she was feeling today. She said she felt much better. Worker mentioned that she had talked with the psychiatrist, who had suggested that if it were possible we would like to have patient come in once or twice next week. Mother

said she was anxious to do this. Worker said it might be best for her to bring patient the first time, but if she felt hesitant about coming out because of her recent illness, that it could be arranged for someone to call for her. Mother thanked worker, but insisted that she felt so much better that by Monday she would be quite all right, and this was unnecessary. Worker said that she would be glad to talk with her further when she came, as she knew it must be difficult to talk over the telephone in the hotel. She answered that she was glad worker understood this and she would explain about the priest later. She added that it was a real inspiration to know that she could come to the Clinic for help, as she felt it was absolutely the only place where something might be suggested. Mother will come to worker's office to talk while patient sees Miss X. at two o'clock on Monday, and also plans to come in Wednesday at ten o'clock.

Later.—In talking with Miss X., she said she thought what the mother told the patient about his coming to the hospital was very important and that it might be wise to emphasize again the suggestion made in the telephone talk with her on the sixteenth. Worker telephoned and said she had not mentioned again what might be best to tell patient, and since he had been rather apprehensive about the hospital he might be concerned about returning and we did not want him to feel that he was being forced to come. Mother interrupted and said that he was not a bit afraid of coming this time. Worker said she was glad and thought mother might emphasize the fact that he was not coming to see a doctor but a worker who would just play and talk with him to get better acquainted. Mother assured worker that everything was all right. She had told him that a nice lady at the hospital was interested in organizing a club, sort of a Christmas club that would keep little boys off the street and help them so they would not do bad things and she wanted him to come and join. Worker said jokingly that he might be disappointed when he found that he was the only one to see Miss X. that day. She did not think so, as he was really interested in coming. Mother said he had accepted the idea of coming to play, so that she was sure he was not afraid and that there would be no trouble.

December 20, 1937.—Mother and patient on time for the appointment. Patient is a pale-faced chap, with a shy manner, who seemed slightly embarrassed. He looked as if he had been prepared for the occasion, with his hair combed and his face recently washed. Miss X. came in and was introduced. Patient went quite willingly when she suggested she had some toys in her room that he might like to see. Mother told him that she would be talking with worker and would wait for him.

Mother said he had come quite willingly and had not minded missing school. Worker said she had not realized that the parochial school vacation was not the same or another hour might have been suggested. Mother said it made no difference and he was not really missing school or she would have mentioned it. She felt this was more important than just practicing for the play which the children were putting on the next day, and he knew his part. Worker said we appreciated the effort that she made to come in and hoped that she had felt up to it. Mother said she felt fine now. She had had several attacks of pleurisy before and knew what to do, but realized that she must be careful. Worker said she could appreciate this. Mother said it was such a strain, but she believed in faith and that it was this that kept her smiling. She never permits anyone to complain at home and knows that it is up to her to keep cheery. The children do not realize how low she feels sometimes. She looked rather wistful as she expressed the wish that father were not so upset. Yesterday she visited and laughed when she did not feel like it. He gets so discouraged and blue, and yesterday he told her that the man who was there last week was gone. Out of the twenty men who were admitted at the same time, he is the only survivor, and this weighs on his mind. Father came home at Thanksgiving and will be there two days at Christmas. He simply lives for the family and is so anxious to spend Christmas at home that she can't say no. He has made Christmas gifts for all of them and ordered some things and is looking forward to the day. When he comes he has a room next to the apartment, but he coughs all night and becomes so weak he can hardly move. Several changes on streetcars and trains are necessary when he comes, and each time he attempts to walk he has to rest from the "spasms of coughing." He has had no hemorrhages, but with both lungs full of fluid she does not think he should be about. Worker said she certainly had many worries and praised her for bearing them so bravely. She seemed to be grateful for this and said she did want to get patient started too, and that would help.

Worker asked how she felt about bringing patient for play. She said she would continue as long as was necessary. Worker explained further about this plan of treatment. Mother said patient was eager to come. She said she wanted to explain further about the incident with the priest as she had learned a bit more. Mother had gone to the school to a meeting and looked for patient afterwards. The teacher said he had not been there that afternoon. Mother was surprised to hear this and began to talk with the teacher. She took up the idea of giving special time to help him with his reading, but during the course of the conversation teacher mentioned

that she had wondered about patient because he always had so much money and she understood about the family's circumstances. Patient comes every day with a dime or more and spends it for candy or supplies. Mother then told the teacher that she had been having a lot of trouble with patient. It was suggested that the best thing would be to send patient to a reform school, although it might have to go through the court as she could not pay. Mother did not like the idea and then it was decided that the priest might talk with him first. Mother made the teacher promise this would not be mentioned to patient. However, she has learned from patient that the priest had suggested that he be sent to a reform school, which had terrified the lad. Mother is not interested in such a plan, because if the court sent him he would be handicapped all his life with this record. John's comment was that he would never be able to hold up his head and since everyone would know they would have to leave the vicinity. Mother thought the same, but wanted to know the clinic's plan first. Worker explained how our help might extend over a long period of time, and that in helping we did find it necessary to understand the reasons for a child's behavior. Mother said there had been no more letters taken so far as she knew. Worker suggested we felt that perhaps if she let him open any letters that came, this might be beneficial. Mother said she would never have thought of this, and that it could be done. She understood the seriousness of the letter-taking and had tried to impress it on patient by telling him that the officials would not stand for it and later he might get into trouble.

The most annoying incident that has occurred was last week, the day—the fifteenth—before he saw the priest. Patient skipped school, and when mother met him around five he was in the company of a lad who "is as tough as they make them." Mother asked where they had been and the boy said, "Well, where do you think?" The boys had gone to a movie. Mother punished patient by keeping him in the rest of the evening and putting him to bed at six. Mother added that she never let them out after dark. That night, at eleven o'clock, the landlady came to the door and said patient had taken fifty cents which had been paid for some laundry that he had gone after at six o'clock. Mother said it must have been John, because she knew patient had been in for punishment all evening. Mrs. R. had reported this to landlady. Mother got patient out of bed and took him up to the apartment of Mrs. R., who at first refused to let them in. When she did, it was obvious that she had been drinking. She said of course it was not true, but that she had had to tell the "old battle-ax something." This was cleared with the landlady, who has been very kind since then.

It appears that Mrs. R. was the clerk at the desk, had taken the money, but had not yet gone for the laundry and decided to protect herself at patient's expense. She was asked to leave the hotel and had moved out by the next day. Mrs. R. met patient and tried to give him some candy and have him go for her laundry, but mother told patient not to have anything more to do with her. Patient understood that she had been untrue to him.

No other stealing incidents had occurred as far as she knew, but patient had been much concerned about the priest. He asked mother if she was going to make him go back and apologize and she said it was all up to him, that she would not make him. He was very quiet, stayed around the house, and was very good for two days. Later he told mother that he had confessed and apologized to the priest, who was very nice about it. Mother said it was that conscience of his, because he is really sensitive and does know about right and wrong.

Mother said rather abruptly, "You know when you asked me if he seemed curious about girls and boys, I really did not know, so I went home and asked him about sex." Worker inquired about his reactions to the subject. Mother said he said without any hesitation that he had shown himself to two boys on one occasion and to a little girl. Worker said she wondered about Mary Anne, and mother mentioned the same incident. Worker explained why this might be of some concern to him, and suggested that it might be wise to guard against exposure. Mother said she knew that such subjects were important and she would see that patient was not subjected to anything that would upset him more. She was thankful that there are no more headaches and is firmly convinced that the increasing number of complaints since their move into the district were due to a guilty conscience over his behavior. At this point patient returned and it was arranged that patient and mother would return on Wednesday.

SUMMARY OF SUBSEQUENT DEVELOPMENTS

[Direct psychiatric treatment in play sessions was conducted over a period of six months by a psychiatric social worker under close supervision of psychiatrist, during which time there were twenty-two appointments, of which four were broken, three by the patient and one by the worker. From December 20, 1937, through February 5, 1938, these sessions occurred every three or four days. There was an interval of one month at this point, owing to the patient having the measles. Contacts were resumed on March 2, 1938, and continued at weekly intervals

through April. There were then two broken appointments owing to upset conditions at home, as father became more seriously ill. There was one session with the patient in May and two in June, one preceding and one following the father's death. In an interview with the mother on June 17, 1938, she reported marked improvement in patient, saying that everyone notices the change in him. Before treatment was begun he was so aggressive that he would not allow children to play quietly in the room or else was so moody that he would lie in bed for hours, quiet and withdrawn. Now he acts like any normal child, and she would not know he was the same child.

In a staff conference on June 21, 1938, it was decided to terminate psychiatric treatment. Patient and brother were to go to camp, selected because of the staff's resourcefulness in dealing with problematic behavior. It was decided that contacts should be continued with the mother to help her relieve certain environmental difficulties, and to keep in touch with Thomas so that whatever treatment is indicated may be instituted. It developed that Thomas made a relatively good adjustment at camp. Dislike of school on his return led to further study of his reading disability—and to the recommendation that he be tutored. In the tutoring sessions, which were conducted during the winter of 1938–39, definite gains were made not only in overcoming the reading handicap but also of a psychotherapeutic nature. He was tutored first in company with two boys, then with one boy. The sibling rivalry problem reasserted itself in these sessions. The clinical psychologist helped him work this through, so that, together with the security gained in the school situation through overcoming the reading difficulty, there were indirect as well as direct psychological benefits.

The psychiatric treatment sessions with Thomas were paralleled by contacts with the mother, who conferred with another worker. When this treatment was first instituted she revealed some resistance to the patient's relationship with his worker, and some anxiety lest "he like her too well." The mother was helped to talk through these fears, and a more positive attitude toward Thomas' clinic contact resulted. During this six months' period there were eleven telephone conversations with the mother, seven office interviews, and two interviews in the home. The telephone conversations were largely concerned with arranging appointments, although in several instances they were utilized, in order to inquire about patient's behavior between sessions, or to prepare her for any upset that might occur, owing to increased anxiety at times when it seemed that the play sessions had released more aggression than patient could live with

comfortably. During the interviews with the mother she kept them centered about Thomas and his difficulties and her disturbed feelings about him. Occasionally she related her own feelings to her overburdened situation, the father's illness, economic worry, and the like. On the whole, she continued to present the picture of a person who was striving courageously to keep a stiff upper lip in the face of all odds. At no point did she talk about her past life, her marital relationship, or any personal difficulties. Significant in this connection were the many demanding realities which may have kept her absorbed in meeting external difficulties and not disposed toward self-concern. Perhaps significant also was her close relationship with the church. She went to confession regularly and to church to pray for the father. The worker's offers to help her work out a more satisfactory relationship with the family agency rendering relief were resisted with evidence of anxiety lest we do anything to jeopardize her standing with the agency and the church. It was not until April that she expressed dissatisfaction about the agency's indifference to her inadequate budget and housing conditions. It was then possible to confer with the agency and to get more individualized service for the family. During the course of Thomas' treatment it became necessary for the Clinic to give carfare, because of the economic situation. Other help was given in the form of Christmas gifts and playthings for the children. Mother revealed conflict over accepting material help, and attempts were made to clarify the relationship by talking through these feelings with her. The Clinic contacts seemed helpful to the mother. She early expressed a sense of relief that her worry over patient was being shared. She gradually grew less critical of him, saw John as being less perfect, and Tom as being more normal in response. Her capacity for relationship was evidenced during one trying period when Thomas "grew worse instead of better" in the process of psychiatric treatment. She continued to send him in and seemed to have faith in the worker's attempts at reassurance. Also, she utilized some of the suggestions given for dealing with the patient's disturbed response. It was not until after the father's death that the mother gave way and brought some of her own deeper concerns to the worker, at which point the case entered a third phase, with new developments and a different treatment focus.]

TEACHING NOTES

This case is selected for teaching purposes because it enables the student to see the effects of disease issues and emotionally charged experience on the development of personality. With this child serious illness, physical trau-

ma, marked changes in family relationships and in social and economic conditions interplay to produce problematic behavior, which it is assumed serves some purpose in his struggle for adjustment. This case material is analyzed in terms of certain fundamental theories with which the students have been acquainted in the introductory lectures and in preceding case discussions.[2] Discussion focuses on applying and testing certain concepts of human behavior with a twofold purpose: (1) to understand this child and his needs; (2) to illuminate concepts and principles basic in case-work practice. There is, therefore, an attempt to stimulate the imaginative consideration of the various general principles while at the same time habituating the student to precise, disciplined thinking in the factual bases of this specific case situation. These teaching notes may seem digressive in that there is a continual shuttling back and forth from details to general principles.[3]

We have here a case presenting certain physical symptoms for which there is no demonstrable organic basis. In view of the diagnosis, "minor convulsions," an organic basis for the difficulty cannot be definitely excluded. Also, in view of the onset of some of the symptoms as well as the nature of the symptoms, the possibility of postencephalitis with behavior sequelae without organic change must be entertained.[4] Functional illness is also a possibility. It is recognized that although the symptoms may have originated during actual illness or as a result of physical injury in the past, their persistence in the present may be on a psychogenic basis, that is, illness now may be serving this child some purpose in his present struggle for adjustment. As we set out to discover its purpose, it is recognized that functional illness is not a clinical entity to which we can ascribe a single cause, but that there probably are many causes and perhaps also several purposes served by this behavior manifestation. What we know of functional illness is one of the first questions raised for discussion. What are some of the commonly recognized purposes illness may serve the individual? What are some of the theories of functional illness? These are recounted, discussed, and the students are referred to theoretical formulations in the literature.[5]

[2] This case is generally the fourth assignment in SSA 340, Psychiatry in Social Case Work, in the School of Social Service Administration, University of Chicago. For full description of point of view and teaching method in this course, see article "Teaching Psychiatry in Social Case Work," by Charlotte Towle, in *The Family*, February, 1940, pp. 324–31.

[3] In presenting these fundamental theories and concepts I have sought for those basic ideas behind and beneath technical differences that constitute the common theoretical groundwork not only of the Freudian point of view but also of those schools of thought that have stemmed from Freud as well as of practically all modern psychopathologists. For some of the theoretical readings from the field of psychiatry with which students are familiar or to which they are referred as general background for this course, see below, bibliography, Sec. I, p. 114.

[4] See below, bibliography, Sec. II, p. 115.

[5] See below, bibliography, Sec. III, p. 115.

A brief review of present-day thinking on the subject leads us to differentiate illness as occurring on three bases: (1) illness as a result of physical disease or injury, (2) conscious or near-conscious and deliberate use of illness to evade issues or for gratification of one sort or another, and (3) involuntary illness in which the individual actually falls ill due to deep emotional disturbance, in which repressed conflicts are the root of the difficulty. In this case any one or all three of these factors may be present. We try to understand this child's response in terms of this differentiation, for the treatment emphasis will vary in accordance with the predominant influence or the particular constellation of causal elements. Our question is whether Thomas' symptoms are largely due to organic factors or whether the response is functional and, if so, is it deeply internalized or still largely a reaction to external factors. This differentiation may not be an easy one to make and may be determined only in the process of experimental treatment focused on the modification of some of the life-circumstances and relationships.

In the meantime, for understanding the purposes served by physical symptoms, careful analysis of cause-and-effect relationships is indicated. In this connection relationship experiences are considered highly significant, and among the many in the life of a child the nature of the child-parent relationships are perhaps of utmost importance for several reasons, notably: (1) Because the child patient is still dependent on his parents and the meaning of his difficulties to him takes on values determined to some extent by their meaning to the parents. The very response to the clinic experience may be colored by the parents' response. (2) In the relationships with the parents certain response patterns will have been set for other relationships, and the child's physical, intellectual, and emotional development will have been effected by parental handling and attitudes toward his needs and behavior reactions. It becomes essential to understand the parents in order to understand the child and also in order to treat the child, for in so far as the parents are understood and gain certain benefits the agency has threefold access to the child:[6] (*a*) through the parents' co-operation in permitting the child to come in for therapeutic contact if that is indicated; (*b*) through the parents' co-operation in following advice regarding other treatment measures; (*c*) hopefully, also through some modification of the parents' feelings about the child's behavior with resultant change in attitudes toward him as their own disturbed feelings and problematic attitudes are released and clarified.

When a mother brings a child to a clinic, therefore, what the problem means to her and what she seeks becomes the primary consideration. Her needs must be understood and met in some measure if she is to gain confidence in the clinic and give valid diagnostic information, and if she is to become co-operative in treatment. In this particular setting one gets a selected group of mothers who, in defining the child's problem to themselves, have placed it in the area of

[6] See below, bibliography, Sec. IV, p. 115.

illness. In cases such as this one they experience a replacement of the problem as the physical factors are ruled out or minimized. They come to the psychiatric service, therefore, involuntarily and in the process of having a redefinition of the difficulty imposed upon them.[7] This may create certain problems, and in teaching this case there is discussion of the following points: (1) the possible significance of a parent's tendency to place the problem in the physical area, with implications for the worker in conducting the first interview; (2) the need for clarification of department function; and (3) the significance of various responses of the individual as function is clarified and as the problem is redefined. From these general considerations we focus on this mother's response and note initial protective attitudes and signs of movement as indicated in readiness to consider and deal with the problem in new terms. The limitations of the recording method in gauging this mother's response are noted and discussed. The first interview is viewed in the light of the mother's response, of the content of information given about herself, and of the various relationships and circumstances recounted. At the close of the first interview we make a tentative diagnosis in so far as the material permits and raise questions which create a marked awareness of what we do not know and of what we need to know in order to think further about treatment. We discuss the possible therapeutic implications of this first interview as indicated in the mother's response. Throughout the case discussion we continue to view it from day to day as the worker saw it, and to think step by step on the evidence as it emerges, rather than from the start to try to grapple unrealistically with all that we had come to know of Thomas and his family at the close of the last recorded interview. In this way the students are habituated to think inquiringly and tentatively and to plan next steps on the basis of partial knowledge rather than to become too dependent on a wealth of knowledge. This approach aims to avoid the schism between the diagnostic and therapeutic processes, which in the past has rendered the historical emphasis unwieldy. We focus on the present and are continually concerned with thinking through the needs of the individuals concerned, *now*, *today*, in the light of the changing response and the changing and widening evidence. The staff conferences are not recorded in full in order that class discussions may become staff conferences and that the students may have the experience of thinking through the case periodically and participating in planning next steps in treatment. In the process of the day-to-day consideration of material as it emerges, the following thorough analysis of this case situation gradually evolves:

1. Analysis of the significant attitudes that each parent brought to the rearing of this child as a result of his life-experience. This case is not as productive as many others in showing the persistence of needs and response patterns from generation to generation, as the mother gives very little information regarding her past or that of the father. The possible therapeutic significance of her focus on the present is discussed in contrast to the production of two mothers in pre-

[7] See below, bibliography, Sec. V, p. 115.

ceding cases who spontaneously dwelled on their early life-experiences and tended to justify present predicaments in terms of the past. Sufficient information is given regarding parental attitudes within Thomas' life-span to warrant some interpretation of what they have meant to the patient as indicated in his response.

2. Analysis of the physical development, health, and illness factors in the life of the patient with reference to the handling of these problems by parents and others, and their apparent effect upon the personality development of the patient. In this case the high incidence of near-death illness and accidents calls for considerable comment in relation to creating certain attitudes in the parents as well as in the child. The dependency, the evidences of marked anxiety, the recent increased use of physical symptoms with changing circumstances in the family and in parental relationships are significant in this connection.

3. Analysis of the intellectual endowment of the patient as suggested in developmental record, school record, and psychological examination. In this case the interplay of physical and emotional factors upon the functioning of the patient's intelligence is highly important. Also the significance of speech and reading disabilities in relation to the traumatic physical background is discussed.[8]

4. Analysis of the emotional determinants in the parental and sibling relationships. The probable emotional value to Thomas of parental attitudes prior to birth, at birth, during illness, and throughout his life are carefully reviewed in relation to time and changing circumstances.[9] For example: significant in this case are his many enforced dependencies on the mother through illness and injury, the repudiation by the father, and the father's preference for John, all tending to keep him "mother's boy," in relation to the now overburdened mother, the ill father, and the mother's growing preference for John, who is now the more gratifying child since he meets her need in being so helpful, that she places him in the father's position. Significant also is the father's illness in relation to the past hostile relationships. The probable emotional value of his relationship with his siblings, particularly John, is considered. The probable emotional values of his relationship with the priest, teachers, and associates are analyzed and viewed in relation to the basic relationships within the family circle.

5. Analysis of the symptom picture of the patient. The symptomatic response of Thomas is evaluated in terms of what these symptoms mean in this particular child in the present situation. On the assumption that symptoms are not considered as separate problems to be treated specifically, it is highly essential that the student see the total symptom picture as serving in the economy of the individual personality and that cause-and-effect relationships be grasped. In evaluating these relationships there is a definite effort away from assigning this

[8] See below, bibliography, Sec. VI, p. 116.

[9] See below, bibliography, Sec. VII, p. 116.

specific cause to that specific effect. We cannot say that this caused that but we can say that this and this and this, reinforced by that and that and that, have produced this total response. That is, the concept of multiple causation as against single causation is stressed. It is seldom that a single event, circumstance, or frustrated relationship causes a social breakdown. More often any of these may serve as a precipitating factor which, in view of the fundamental need engendered through many other factors, has come to have undue import in the life of the individual. The student is directed toward meeting the fundamental need rather than toward coping with this or that factor. It is also important that the student be given to realize that the same symptoms in another case might result from entirely different causes or a quite different life-experience. This leads to an evaluation of the patient's ways of responding, and it is essential that the purposes of his behavior in relation to causal factors be clearly elaborated in order that sound treatment procedure may be planned.[10] This focuses us on understanding the gratifications occurring to Thomas through his behavior, thereby throwing light on its purpose. In this connection the universality of two-way feeling is considered and the concept of ambivalence weighed in relation to Thomas' experiences and his response thereto. We need not only to understand both the positive and negative feelings that may be inherent in any of his experiences or responses but also the therapeutic importance of enabling this child to release his conflict through giving expression to his negative feelings as well as his positive feelings. The import of repressed negative feelings and the import of the anxieties that may emerge with the expression of them become one of the considerations in treatment discussions.

6. Analysis of the symptomatic response of parents and siblings to Thomas. With the same thinking as brought out under (4), the significance of the response of other individuals who may participate in treatment should be made clear; for example, what may this "disaster child" have meant to this mother in the past. What may the father's repudiation of the child have meant to her as indicated in her handling and in certain statements. Now, in her present overburdened life what changing values may this more dependent troublesome child have for her in contrast to John, who is neat, responsible, and responsive to her need for help. What basic factors in the mother's life-experience seem to predetermine these responses and what leads to treatment lie herein? Likewise, one might touch upon the attitudes of teachers in a more general way. Why may a child like the patient induce an indifferent or irritated response in one teacher and a sympathetic attitude in another teacher? What might be an effective approach in winning the co-operation of a teacher in this case? It is essential that the response of the parents and others in interplay with the patient and other members of the family be as clearly understood as possible in order that treatment may be focused and paralleled in accordance with the needs indicated.[11]

[10] See below, bibliography, Sec. VIII, p. 117.

[11] See below, bibliography, Sec. IX, p. 117.

In presenting this case, as in any other case, emphasis is placed on the fact that treatment starts with the first interview and not at the close of a period of study. As has been brought out, there are treatment implications for the mother in being referred by the pediatrician to psychiatry. The import of this and the need to understand her feelings about the new definition of the problem and to clarify the function of the new service have been noted. Also the need to focus upon her changing response throughout these interviews in gauging her capacity and inclination for help is stressed. Signs of movement are evaluated as we proceed through the interviews, both in the mother and in the patient. Note the change in patient's symptomatic picture with the change in the mother's orientation about his problem. The change from use of illness to more pronounced aggressions, as indicated in more extensive stealing, irritability, and quarrelsomeness is discussed, and the following questions raised. Does this represent substitution of new symptoms because the old ones are no longer useful since the mother no longer grants him the right to be ill? May the mother be giving a fuller picture of his antisocial behavior as she grows less protective and less needful of placing the problem in the physical area? At the close of the second interview, at the point of the first staff conference, an attempt is made to think the case through in much the same way as it would be considered in a staff conference. A tentative interpretation is made. Many questions are raised that point up the need for further understanding of the patient's response. The import of the treatment measures suggested is discussed, and it is established that only as we proceed into treatment may certain questions be clarified, as, for example: To what extent is this child's response a relatively simple and uncomplicated one to the present deprivation in the mother-relationship, economic deprivation, and anxieties engendered through the father's illness? To what extent is his behavior organically determined? This will be clarified only as we observe his response to the relief of economic pressures, the meeting of his need through the redirection of certain relationships, and the easing of his conflict through psychotherapy. To what extent are his conflicts deep rooted, requiring intensive psychotherapeutic measures? Will they be unresponsive to modified environmental situation because his emotional disturbance is now deeply internalized? Obviously, these diagnostic questions will be answered only in the treatment process.

At the close of the third interview the reasons for the psychiatrist's recommendation that direct psychiatric treatment be instituted at once are discussed in the light of the patient's changing symptom picture. Again, at the close of the fifth interview, the clinic's focus is re-evaluated, and careful consideration is given to the following:

1. Why the patient was made the immediate focus of treatment and psychotherapeutic sessions recommended to precede case-work measures directed at relieving the adverse socioeconomic factors.[12] In this connection there is an at-

[12] See below, bibliography, Sec. X, p. 117.

tempt to differentiate the child who needs direct psychiatric treatment which focuses on understanding and working with his own emotional forces from the child with whom we depend upon modified life-circumstances to effect psychological change. Significant here for those who would see Thomas' behavior as predominantly a response to social and economic change is the fact that none of his siblings have developed problematic behavior.

2. Why this mother was not made the patient per se as was done in two preceding cases in which the mothers became the psychiatrist's patients while the children concerned were helped through case-work measures focused upon their school and recreational life. In this connection the need for paralleling treatment of Thomas with contacts with the mother is discussed.

3. Why immediate action was not taken in securing more adequate relief, housing, tutoring, and opportunities of various sorts to ease the life-situation of the mother as well as of the children.[13] In this connection the need to focus upon what the individual seeks in relation to agency function is discussed in general as well as in relation to this particular mother's attitude and responses. Her unreadiness to confide certain personal concerns is viewed in the light of social and economic pressures, the import of the father's illness, and the presence of other helping agencies.

4. Finally, having given full consideration to this specific case, we view it in the light of general practice. What case-work principles established herein would be applicable in other situations?

After presenting this first section of the case, the second part, which is recorded in process and which gives in full detail interviews with the mother and psychotherapeutic sessions with Thomas, frequently is assigned. There are values in using this second portion in that the students are enabled to see the carrying-through of treatment with gains to the patient, to the mother, and to the family as a whole. While the majority of the students will never do work of the nature described in the "play therapy" sessions, still there are twofold values in using at least one record of this sort: (1) The students are acquainted with this method of helping children. (2) It is possible to teach from the material in such a way as to clarify principles of interviewing and of modifying attitudes which they will be using in their case-work interviews with both adults and children.

In teaching this case, as in any other case, the thinking does not emerge in a stereotyped way, point by point, as these teaching notes may suggest. It emerges from class discussion, and, therefore, the order and emphasis varies from class to class. I assume responsibility, however, for covering certain content and for directing the discussion so that, hopefully, the students derive a method of thinking through a complex case-work situation rather than having the experience of being told what to think. I generally open up a case discussion through directing them into a phase of imaginative consideration and then lead

[13] See below, bibliography, Sec. XI, p. 118.

them, and if necessary hold them, to a period of disciplined analytic thinking. In closing the case discussion I find it essential to direct them to summarize certain principles so that there is an integrative stage of generalization.[14]

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[EDITOR'S NOTE.—This bibliography is not inclusive. These readings are selected from a more inclusive bibliography to orient the reader on some of the material available for elaboration and clarification of this case and as to the somewhat eclectic point of view brought to the case discussion. Obviously, the students do not read all these references on this one case. The students have had a basic case-work course and presumably are familiar with social case-work texts such as Mary E. Richmond, *Social Diagnosis* and *What Is School Case Work?;* Virginia Robinson, *A Changing Psychology in Social Case Work;* the Milford Conference *Reports;* and others.]

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[14] See A. N. Whitehead, *The Aims of Education and Other Essays* (New York: Macmillan Co., 1929), pp. 27–44, for comparable method recently noted by author, although the method has been used consciously for years.

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UNIVERSITY OF CHICAGO

NOTES AND COMMENT BY THE EDITOR

THE FOURTH WHITE HOUSE CONFERENCE
A DELEGATE'S NOTES

THE Fourth White House Conference has not passed into our social welfare history—yet. It is a living force with a National Citizens' Committee and an Interagency Committee in process of organization to carry on a vigorous follow-up policy. Five active Conference leaders have been asked by the Secretary of Labor to serve as the nucleus of the National Citizens' Committee to provide for the organization of a larger committee: Homer Folks, secretary of the New York State Charities Aid; Mrs. Saidie Orr Dunbar, president of the General Federation of Women's Clubs; Dr. William G. Carr, secretary of the Educational Policies Commission of the N.E.A.; Rev. Bryan J. McEntegart, of the Child Welfare Division of the New York Catholic Charities; and Dr. Henry F. Helmholz, of the Mayo Clinic and professor of pediatrics in the University of Minnesota.

The title of this year's Conference—"Children in a Democracy"—was in itself a challenge to the delegates, and the result was the adoption of a broad and forward-looking program in the different fields that affect the welfare of children.

Secretary Perkins, the tireless, resourceful, and always impartial chairman, and Katharine Lenroot, chief of the Children's Bureau, to which the Secretary has always given unfailing and generous support, shared the honors of the Conference and helped us all to renew our faith in the cause of making our democracy fulfil the hope of all democracies—the hope of making the world a better place for children to live in.

In spite of having the Conference dates advanced by three months because someone was afraid we might be getting ready for war, the material for the consideration of the delegates was in excellent shape.

It was generally understood among the delegates, as they assembled, that assurances had come, presumably "by grapevine," that there need be no concern about the rumors which certain newspaper columnists had been spreading regarding the moving of the Children's Bureau from the Labor Department to some other departmental organization. Friends of the Bureau feel strongly about the importance of keeping the Bureau

in the Labor Department, where it has been since its organization nearly thirty years ago. The present importance of the child labor work of the Bureau and the successful co-operation of the Bureau with the Wage and Hour Division of the Department are new reasons, if any were needed, why there should be no change.

The wisdom of keeping the Children's Bureau on a nonfunctional basis so that all the needs of children may be considered and related in one government bureau organized to serve "the whole child" has been demonstrated through the years. The plan has shown the importance of having "one national service for children which studies the interrelated problems of childhood, brings together the experiences of the general services and helps them with the necessary special information, in order to make whatever work they do for children as effective as it can be made." In the Department of Labor, which more than any other government department is "concerned with broad considerations of human well being," the Children's Bureau has had "the untrammeled right freely to serve the nation."

The Conference demonstrated once again the high regard in which the Bureau is held throughout the country. This was not primarily just a gathering of social workers. Friends were there from the schools, the churches, the labor departments and labor organizations, the women's clubs, as well as pediatricians, public welfare administrators, and representatives of private social agencies. Most of the five hundred delegates had come to Washington at their own expense. They came because they wished to help formulate plans to strengthen the work that this democracy is doing for its children. They made it clear that the nation believes in the leadership of the Children's Bureau and they are ready to go forward with the development of new programs in spite of wars and rumors of wars.

There were many facts set out for the Conference by the careful reports which the committees of experts had prepared. On the first day of the Conference, in an editorial in the *Washington News*, Mr. Ludwell Denny had emphasized the alarming situation which these reports had uncovered and the need for an increase in the appropriation rather than for false economies in the public social services.

The *New Republic* also commented editorially, just before the Conference assembled, on the facts set out in the reports of the experts, particularly the alarming needs of children in families on relief and in low-income families. "Nearly three-fourths of all our urban children" were found in families on relief or families with "incomes of less than $1,500 per year

and thus had incomes which, by well accepted American budgetary standards, were either inadequate or barely adequate to supply the minimum necessities for growing children. In contrast, only 1.4 per cent of the child population was found in families with incomes of $5,000 or over." The *New Republic* commented: "To say that this picture is 'disquieting,' as the study terms it, is understatement. It should serve as a challenge not only to the conference but to President Roosevelt himself, who is its chairman. He will find no support here for his proposals to Congress to curtail relief and social services."

Mr. Denny said in the *Washington News:*

> If the President before drafting the budget could have read some of the alarming reports of his White House Conference on Children in a Democracy, he might not have cut so drastically the funds of the National Youth Administration and Civilian Conservation Corps to swell the gigantic military expenses. The reports praise the work of these and other agencies aiding children and youth but stress the fearful inadequacy of all that is being done.

Both the President and Mrs. Roosevelt were gracious and friendly hosts. Mrs. Roosevelt, whose genuine concern for child welfare services of all kinds is a national story, attended several sessions of the Conference, speaking at the final, Saturday morning, meeting. One morning when the delegates assembled, rather slowly, for a 9:30 session, we heard that Mrs. Roosevelt had already come and gone. She had understood that we would begin at nine, and at nine o'clock punctually she was there. Since she had another appointment at ten and the outlook was that the meeting would not be "called to order" much before ten, she had gone before we were ready to begin.

President Roosevelt's address to the delegates who gathered in the East Room of the White House for the last evening session showed that he had read, apparently with some care, the "General Report" of the various committees of experts which had finally been placed in his hands. He emphasized the breadth of the work of the Children's Bureau.

> Almost every one within reach of my voice thinks of children in terms of two or three subjects in which he has special experience, such as education or recreation or health. Or, he may have great enthusiasm for one particular kind of child-welfare service. I myself am tremendously interested, for example, in crippled children. This conference report, however, rightly calls on us to think of the child as a whole, as he is related to the life of his family, his community, and the entire nation.

He reviewed the various topics of discussion beginning with the families at the threshold of democracy. He reviewed the recommendations about

housing, schools, leisure-time activities, libraries, protection against child labor, families in need of public aid, social services for children, and other subjects of general interest.

You tell me [said the President] in effect what I have been talking about for many years—that we are moving forward toward an objective of raising the incomes and living conditions of the poorest third of our population, that we have made some dent on the problem, and that most decidedly we cannot stop and rest on our somewhat meager laurels.

You are rightly concerned that provision be made for those who are unemployed, whether for economic or personal reasons. To keep families from starving while fathers walk the streets in vain search of jobs will not give children the best start in life.

Many delegates, however, who listened to the President and who were grateful for his generous and understanding attitude about the work of the Conference, were troubled for two reasons: First, they could not forget that the President's economy program was demanding a sacrifice of some of the work for children in which the delegates were deeply interested. They could not understand the President when he said: "I suggest to you that mere grants-in-aid constitute no permanent solution," and then made some suggestion about what every community and area should pay in taxes. Since grants-in-aid are clearly the present need of our child welfare program, we were sorry to have any doubts about the wisdom of such grants expressed at this time.

The other point that troubled many delegates was the President's reference to so-called "adequate national defense" for which so much is being sacrificed. Many delegates were sorry to have the following statement given a place of prominence at the beginning of the address: "Adequate national defense calls for adequate munitions and implements of war, and at the same time, for educated, healthy, and happy citizens."

But although there were some questions and a few disappointments, the delegates left the White House confident of the President's interest in the child welfare program and his sincere hope of an active follow-up program after the Conference. Everyone listened, with deep appreciation, to his final remarks when he said:

I believe with you that if anywhere in the country any child lacks opportunity for home life, health protection, education or moral and spiritual development, the strength of the nation and its ability to cherish and advance the principles of democracy are thereby weakened.

I ask all our fellow citizens who are within the sound of my voice to consider themselves identified with the work of this conference. I ask you all to

study and to discuss with friends and neighbors the program it has outlined, and how its objectives can be realized. May the security and happiness of every boy and girl in our land be our concern, our personal concern, from now on.

It seems fitting to close these notes with the last paragraph of Gertrude Springer's account of the Conference for the February *Survey Midmonthly*. Writing of "The Pledge to the Future," the *Survey* said:

On Saturday, as the last moments of the 1940 White House Conference drew near, Miss Lenroot recalled how, at the close of the 1930 Conference, Grace Abbott had asked its members to rise in acknowledgment of their pledge of active support for its objectives. Standing where Miss Abbott had stood ten years before, Miss Lenroot asked the members of this conference to rise as a tribute to Miss Abbott's valiant leadership in behalf of the children of the United States, and as a pledge of their support to the objectives of this White House Conference on Children in a Democracy.

Quietly, almost solemnly, the 500 men and women rose to their feet. There was a moment of silence. The gavel fell and the conference was over. Its work still lay ahead.

HOME WORKERS AND CASE WORKERS: THE STORY OF A CHICAGO HAIRPIN FACTORY

HOW interested are case workers in the work of the local inspectors of the new Wage and Hour Division in enforcing the provisions of the Fair Labor Standards Act? Some almost spectacular cases that were finally settled in the Chicago area this winter showed that relief clients were among the illegally underpaid home workers who were violating the new act in order to earn enough to provide a miserable living for themselves and their families. Did the case workers know or did they not know of these violations? Home work is still done in Chicago[1] on artificial flowers, party favors, punchboards, women's, children's, and infants' dresses, men's neckties, lamp shades, powder puffs, baseballs, garters, gloves, and greeting-cards. Two department stores still give out knitting.

Many of these home workers are on relief. If legal minimum payments were made under the Fair Labor Standards Act, some if not all these workers could go off the relief rolls.

ARTIFICIAL FLOWERS—CHRISTMAS WREATHS—PUNCHBOARDS

Last November the first criminal prosecution in Illinois under the Fair Labor Standards Act was brought against some manufacturers of artificial flowers who were fined $7,512, including approximately

[1] See the *Social Service Review*, X (March, 1936), 23–58, for the article by Ruth White on "Industrial Home Work in Chicago."

$1,500 for violating the child labor provisions of the Act. The judge did not order restitution to the workers who had been underpaid, although the firm owes the very large sum of $39,000 to the home workers, many of whom are destitute. However, attempts are being made to help these workers collect their back wages, and one woman has filed a civil suit. She claims $425 due from the firm for her work at home under the minimum standard of twenty-five cents an hour up to October, 1939, and thirty cents an hour since that time. The act provides that the workers may also ask a penalty equal to the amount of the claim, plus attorney's fees. A labor mediator, who brought the suit as agent for the complainant, is asking this additional amount.

Artificial flowers include Christmas wreaths. A letter written to a public official last fall served as an illustration of what has been happening in Chicago:

To Whom It May Concern:

I thought the government had stopped firms operating sweatshop conditions. They must have forgotten this particular one in Chicago.

Home workers are getting 55 cents for making a gross of Christmas wreaths. It takes about 17 hours to finish a gross, averaging about 4 cents an hour. These wreaths sell in the stores for 5 cents each.

Materials used in this work comes from Japan yet you are given slips to insert in each wreath, "Made in United States."

Name of the firm "XY——," Chicago, Ill.

Is this condition allowed to exist? Don't you think it bears investigation?

Another letter was as follows:

Dear Gentlemen . . . . :

I read your notice in the evening paper. I am a little girl of eleven years old and I want to tell you how hard I have to work helping my mother and father and little crippled brother to make Christmas wreaths which my mother brings home from "XY——" Company. My parents won't let me go out to play with other kids. I have to help wind those terribly dusty wreaths until I almost choke, my fingers are all sore, and my poor little brother's bed is all red from the dust.

You see he has to string beads that go into the wreaths. We are on relief, and my parents said I must work so that we got something to eat. My mother makes me get up at six o'clock in the morning, and we work all day and until one and sometimes two o'clock at night excepting Friday, when we have to stay up all night because Friday is pay day and the work has to be finished or we don't get no pay, and I get hit because I don't work fast enough. I don't get enough to eat or I don't go to bed until we finish.

Please sirs I can not tell you my name or address because if they find out I am

going to get hit. My brother gets a book that is from the Government which says you must tell the truth how many hours you work and no children must work. We work all day every day and night but the company lies and writes only 3 hours. Please gentlemen tell the company not to make us do so much work because I like to go out and play once in a while to. If I look out the window at the other kids ma slaps me and calls me lazy.

Please, please, please help me and crippled brother. Thank you.

P.S.: My little girl friend who comes in the house sometimes snuk this out and sent it. Mother asked the company for more money, they said the book don't mean nothing.

The first cases of the Wage and Hour Division involving home workers in which restitution was made was that of a woman who was a contractor under one of the punchboard companies. She employed about fifty home workers but she had taken out a home-work license under protest. Her father owned a building on the South Side which was full of families on relief, and to make sure that his tenants were able to pay the rent the landlord had them all working on the punchboards. When the wage and hour provisions went into effect the contractor had been paying her workers 5 cents per 1,000 holes, and considering that even a fast worker cannot do more than 2,000 to 2,500 an hour they were earning much less than the federal minimum. She then told her workers that they would have to do 5,000 holes an hour—a physical impossibility. When the workers turned in their work she had them sign statements that they were making 5,000 holes an hour and not working more than 44 hours a week. Telephone complaints began, however, and the Wage and Hour Division succeeded in getting the contractor to make restitution of about $5,000 without court order.

THE FAMOUS HAIRPIN CASE

The most spectacular case, however, was the great hairpin case[1]—brought against a company incorporated in the state of Delaware with a large plant in Chicago, probably the largest plant in the world for the making of hair curlers, hairpins and bobby pins, hair fluids, designing and manufacturing of machinery necessary for the production of these articles, and containers for such goods.

This company employed something like 275 to 325 home workers who worked at the carding of bobby pins or of inserting bobby pins of various types and sizes into appropriate cards for marketing purposes. Most of these workers were Polish—a few German and Lithuanian—residents of

[1] For another account of this case see "The Hump Hairpin Case," in *The Child* (U.S. Children's Bureau), IV (February, 1940), 216–17.

the immigrant area nearest to the plant. This is a rather deteriorated area, and many of the home workers were on relief.

Deliveries were made to homes between ten and twelve o'clock in the morning three times a week and in the afternoon between three-thirty and four-thirty o'clock the other three days. The home workers were expected to finish and return the work before seven o'clock the morning after the materials were received.

Although the home worker is officially the housewife in the family, the amount of work given her is so great that she cannot possibly do it alone, particularly since the time allotted for work is only one afternoon and evening. She therefore puts to work her husband, children, relatives, friends, neighbors, and friends and schoolmates of her children. Some home workers even give out work to other families and others hire minors to work for them at a pittance.

The home-work system of this company has been on the increase during the depression with nearly twice as many home workers employed as was the case even three years ago.

To organize its immigrant home-work labor force, the company had evolved during the last thirteen years what is called a distributing system with, last fall, about six distributors, each of whom was in charge of a distributing station from which the home workers received and to which they brought back the work done at home.

During the course of the inspection the company had taken the position that the distributors are independent contractors, that the home workers are not its employees, and that the firm is, therefore, not responsible for them within the meaning of the Fair Labor Standards Act. The company had no age certificates on file for the approximately 250 children sixteen to eighteen years of age working at home, nor did it have any employment certificates for the approximately 500 minors under sixteen so employed.

It is understood that the inspectors of both the Wage and Hour Division and of the United States Children's Bureau interviewed numerous home workers in order to collect evidence against the company. The District Office of the Chicago Relief Administration apparently could not tell how many of their clients were doing home work. However, the inspectors were permitted to read several records of families where it was definitely known that the family was engaged in this work, and excerpts from the records are included in the file. It is understood that when inspectors called at the homes in the daytime they were not admitted because the home workers were afraid the visitors were case workers from

the relief office. Unfortunately it did not occur to them that the case workers might be co-operating with the representatives of the federal government under a new "Fair Labor Standards Act" that was to give them a wonderful increase in the miserable pittance they had received for their work. All the home workers seemed to fear was that the relief visitors, if admitted, would find them working and that this would mean a decrease in relief, however miserable the wages. In many homes the inspectors could only get in by making evening visits when the home workers were sure they were not admitting case workers.

The Juvenile Protective Association turned over its records in which the complaints had been made that children were being overworked or kept out of school in order to work on the bobby pins. One teacher in the neighborhood complained that children were falling asleep in the classrooms because they had stayed up very late working on "the pins."

RESTITUTION TO THE HOME WORKERS

The case was disposed of by a bill filed by the administrator of the Division of Wages and Hours and by the chief of the United States Children's Bureau and by a consent decree thereto entered by Judge John P. Barnes of the United States District Court on October 29, 1939. The decree ordered the company to (1) stop immediately the employment and use of oppressive child labor; (2) pay a minimum of 30 cents an hour to its employees; (3) pay "time and a half" of the regular rate of pay for overtime in excess of 42 hours a week. Most dramatic, however, were the results of a stipulation that the company pay the sum of $103,749.42 in back pay to its employees. Of this amount only $2,007.63 was found to be due to workers in the plant. The rest was prorated among the 321 home workers of the company on the basis of their total earnings for the period from October 24, 1938, to November 25, 1939. More than $100,000, therefore, was distributed to the poor home workers of this area in sums ranging all the way from $1.39 to $796.53. The following table from the record is interesting showing the amounts actually paid to home workers as "back pay."

Amount	No.	Amount	No.
Less than $10	2	$300 less than $400	64
$10 less than $25	5	$400 less than $500	55
$25 less than $50	15	$500 less than $600	37
$50 less than $75	6	$600 less than $700	11
$75 less than $100	8	$700 and over	1
$100 less than $200	45		
$200 less than $300	72	Total	321

This table shows that 240 of these poor workers got back pay of $200 or more; 168 of the 240 got more than $300 and 104 got more than $400. The story was told of one woman who came expecting to be paid some such sum as $15. When she got a check for nearly $450, she collapsed.

Although restitution in the case of the home workers was made only to the official home-work employees of the company, it is said that those who gave work out to other families have been sharing their checks with these other workers.

The Regional Office was also informed by the company that it has decided to discontinue its home-work system and is already remodeling the third story in its plant for the purpose of bringing most of its former home workers directly into the factory.

This story should be interesting to Chicago case workers who want their long-suffering clients to get a chance at a decent wage instead of relief. Here at last is light breaking through the darkness in which the home workers have struggled for so long. For all the clients who are home workers there is a Fair Labor Standards Act, which really provides a "floor for wages and a ceiling for hours," and under this act a Wage and Hour Division is really bringing "equity and justice" to the very doors of the poorest home workers in Chicago.

THE PRESIDENT VETOES THE OHIO SECURITY REFUND

A BILL to reimburse the "sovereign State of Ohio" for $1,338,000 that had been withheld by the Social Security Board because of Ohio's flagrant maladministration of Old Age Assistance was vetoed by President Roosevelt on January 24.

The proposed appropriation to the state of Ohio was to provide reimbursement for the grant-in-aid for Old Age Assistance that was withheld by action of the Social Security Board in October, 1938. This withholding of federal grants-in-aid from states that refuse to take the steps necessary to safeguard federal funds from improper or wasteful use is the final means granted to the Board by the Social Security Act to protect the large funds made available to the states for the purpose designated in the Act. The Board had accumulated evidence of serious maladministration of these funds in Ohio. The state was notified of, and requested to send representative to, a hearing which was held on September 6, 1938. The state authorities concerned went to Washington to appear at the hearing, but the governor of Ohio wired them demanding that they return to Ohio without attending the hearing. Testimony at the hearing showed

that there had been in the operation of the Ohio State plan for old age assistance, a lack of efficient administration, wholesale violation of the State civil service laws and rules, delays in the handling of applications for assistance, blanket increases for some awards while at the same time aid was denied to other needy applicants, discrimination in the handling of complaints, a faulty accounting system, and a non-compliance with reporting provisions and with the requirement of fair hearings to aggrieved applicants.

Fortunately the old age pensioners in Ohio were prevented from suffering the loss of their pensions because the state government which had refused to co-operate with the federal authority was able to provide the necessary funds for October out of the state treasury. A representative in Congress from Ohio conceded that

politics was the underlying factor behind this controversy. It had to do with a State administration that played fast and loose for political purposes, and I am sorry to say it was a Democratic administration. The newspapers of my State charged the Governor of Ohio in 1938, and I think with a great deal of truth, with playing politics with human misery, with the old-age pensioners, if you will, sending out literature with the checks sent to the old men and women who were waiting eagerly for their eighteen or nineteen dollars a month. That is a reprehensible crime, and I hope we will have no more of it in this country [*Congressional Record*, January 24, 1940, p. 1032].

However, the attitude of the Ohio representatives, and a majority of the members of Congress, was that the taxpayers of Ohio ought not to be made to suffer because of the refusal of the governor to follow the federal rules and regulations.

Fortunately, the President realized the serious situation that would result if the states are allowed to refuse to follow the procedure set up to safeguard the funds that the federal government is now granting for aid to the public social services.

The House of Representatives voted 171 to 153 to override the veto, but as this was 46 votes short of the two-thirds necessary to override a veto, Ohio, fortunately, will not be reimbursed.

Some extracts from the President's important veto message are given below:

The Social Security act constitutes legislation of major importance. It has far-reaching permanent consequences in the interest of the welfare of the aged and the needy. Most of the phases of the Social Security act involve cooperation between the Federal Government and the states. Efficiency of administration must, therefore, be present both in the Federal and the State agencies. The Congress, in order to secure adherence to proper standards on the part of the State governments, has clothed the Social Security Board with the definite duty

of causing a withholding of payments from the States, in the event that they fail to comply.

It is not seriously questioned that the action of the Social Security Board in withholding payment in the present instance was well founded. The enactment of this legislation would in effect render nugatory in this instance the salutary provision of the Social Security act which accords the Federal Government the sole means of assuring an effective administration and disposition of funds granted by it to the States under the Social Security act.

I am withholding my approval of the bill under consideration because of my belief that an expeditious, effective and non-political administration of the provisions of the Social Security act is indispensable to the conduct of operations thereunder, and that approval of the measure would be inconsistent with this objective and create a precedent that would seriously endanger the success of the entire Social Security program.

If this bill were to become law it would at least make it possible for a State agency to violate Civil Service laws, to give blanket increases to some and deny aid to other needy applicants, to discriminate in the handling of complaints and to maintain a faulty accounting system, all with the belief that if the Social Security Board were to withhold Federal funds because of this, the State agency could later go to the Congress of the United States and receive a special appropriation in proportion to the amounts the State had put out.

The State authorities would have this bill as a precedent. It is needless for me to say that if I were to sign this bill the precedent of it could be extended to other forms of Federal aid—aid for the highways, aid for widows and aid for dependent or crippled children. It would mean that States no longer would be compelled to maintain the standards set up by the Congress, but could violate these standards with impunity and still get their money.

I do not think that the provision by which the Social Security Board would "ascertain the total of the sums disbursed by the State of Ohio . . . . with respect to each aged needy individual eligible" is in any way a practical method of determining at this late date the individual merits of each particular case. Undoubtedly many of the individual payments were proper but, on the other hand, a very large number were undoubtedly improper or discriminatory—and a still further number of needy persons who ought to have received compensation received none at all. To reopen thousands of individual cases a year and a half later, and to investigate each one separately would be tremendously expensive.

It seems to me that the disapproval of this bill will serve notice on every State in the Union that all kinds of Federal aid must be conditioned on full compliance with the Federal law and wholly without discrimination or inefficiency.

In commenting on the veto the *New York Times* very properly said in its editorial columns that the President had "shown courage as well as a clear recognition of the principles involved."

GRANTS TO STATES FOR AID TO TRANSIENTS

AN AMENDMENT to the Social Security Act proposed by Congressman Voorhis of California would add a new title providing for "Grants to States for Aid to Transients" (H.R. 2975). This proposed amendment will make possible grants-in-aid to assist states "to furnish

Fitzpatrick in "St. Louis Post-Dispatch"

DEMOCRACY'S UNDERLYING PROBLEM

financial assistance or other assistance, including but not limited to medical, dental, and mental aid . . . . to needy transients."

In order to qualify for these grants-in-aid a state plan for aid to transients, to be approved by the Social Security Board, must have been adopted. Such state plans must provide that aid to needy transients shall be "on a basis consistent with health and decency."

Under the Voorhis bill, an approved state plan must also provide that persons receiving transient aid be registered with the United States Employment Service, the Service to supply information regarding seasonal labor, including data on wages, working conditions, demand for seasonal labor in various parts of the country, and qualifications required of

workers. An approved plan should also provide that unemployed transients shall not be transported out of the state until authority for their return has been secured from the state of their legal settlement and some public agency of that state has agreed to be responsible for their needs.

There are other important provisions in this bill which should receive the active support of all social workers. There must, of course, be safe-

Fitzpatrick in "St. Louis Post-Dispatch"

NO WONDER THE FOLKS TALK ABOUT HAM-AND-EGG PLANS

guards preventing an influx of transients from a state with low relief standards to a state with higher standards.

The National Child Labor Committee is wisely and vigorously supporting[1] the transient-aid bill because the Committee is convinced that child labor among migratory children cannot be dealt with as an isolated evil but must be regarded as an integral part of a much larger problem. "Children are working in order that they and their families may have

[1] The Committee has issued an excellent leaflet supporting the Voorhis bill from which our quotations are made. A copy may be obtained by writing to the Secretary of the National Child Labor Committee, 419 Fourth Avenue, New York City.

something to eat and to wear and enough money to buy gas for their outworn jalopies and so continue their quest for work."

The Committee has recently called attention to the fact that for more than twenty-five years children who "follow the crops" have been a matter of concern. "In recent years there has been a great increase in the number of families, driven from their homes in the drought and dust-bowl regions or displaced elsewhere through farm mechanization, who are on the road, seeking agricultural work in other areas."

Social workers share with the Committee an appreciation of one of the gravest aspects of the situation which is the fact that "these migrants, many of them formerly self-supporting farmers, are unable to make a living under conditions existing in the overcrowded seasonal labor market and yet, when their resources are exhausted, they are ineligible for relief. Without legal settlement, they are denied the financial assistance and medical and other services available to needy residents. Local communities urge them to come when there is work to be done—but, once the crops are harvested, insist that they 'move on.' "

While recognizing that relief is not a permanent solution, and that measures to remove conditions that give rise to migrancy are necessary, as well as efforts to improve employment conditions, housing, child labor and school-attendance standards for migratory families, the National Child Labor Committee is right in believing that federal aid to the states for transients is a very important step toward improving some of "the wretched conditions of poverty and ill-health under which migratory workers and their children now suffer."

The federal government is the only logical agency for aiding needy migrants. The problem is clearly interstate in character.

RELIEF—A DESPERATE NEED

ONE of the most severe winters within the memory of the present generation has brought added cruelties to the bitter situation faced by very large numbers of unemployed men and their families. The situation in Omaha (Douglas County), Nebraska, is unfortunately typical of widespread suffering that has been meagerly and grudgingly relieved by our state and local governments since federal aid for home relief through the F.E.R.A. came to an end. This long and exhausting period of hardship and deprivation has been endured with great courage by the relief clients. In Omaha, with the thermometer at 18° below zero, the indifference of the county commissioners about providing fuel has continued. The suffering among the destitute has been almost indescribable. The federal

Courtesy of "Des Moines Register"

HUNGRY MEN PICKET THE COUNTY BUILDING IN DEMAND FOR RELIEF
IN OMAHA, NEBRASKA

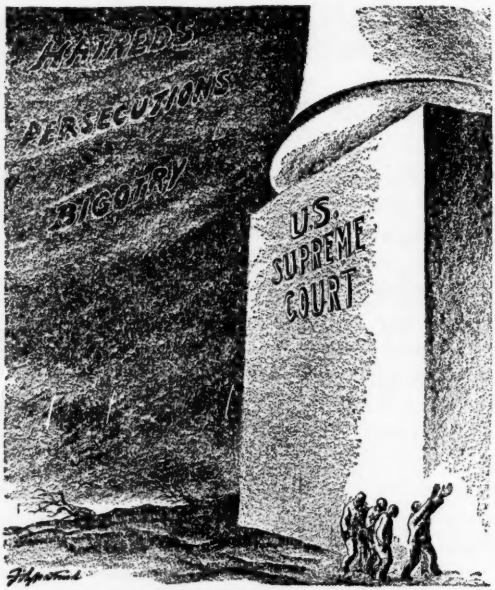
government has seen this tragedy but has done nothing. The state government will do nothing. Children are too hungry to go to school and stay huddled in bed because there are no fires to heat their miserable homes. With rents not paid, these unhappy people live where and as they can. The state government passes the responsibility to the local government. In the meantime the distress has been shocking in this, the seventh year of the New Deal. The lure of federal funds has provided some help for the old, the blind, and some aid to dependent children, some help for those on the federal work program, but no help to those who are not fortunate enough to be ransomed by federal funds.

THE SUPREME COURT AND DUE PROCESS OF LAW IN FLORIDA

THE Supreme Court, on the birthday of Abraham Lincoln, has again declared that there is in the United States of America a national minimum below which criminal-law administration will not be allowed to sink. In 1915 the Supreme Court was not able to give vitality to this right and found itself unable, although divided, with Justice Holmes and Justice Hughes dissenting, to intervene in the case of a Jewish defendant charged with murder by the law-enforcement authorities of Georgia (*Frank* v. *Mangum*, 237 U.S. 309).

However, in 1923, in the so-called Arkansas cases, although by divided court, with Mr. Justice McReynolds and Mr. Justice Sutherland dissenting, and with Mr. Justice Holmes delivering the opinion of the court, it was found possible to insist that a federal tribunal sitting in Arkansas should satisfy itself that the twelve Negroes sentenced to death for alleged participation in the Arkansas riots of 1919 and the sixty-seven Negroes sentenced to long prison terms for participation in the same riots had enjoyed the benefit of their day in court. The result of this inquiry was that no one of the twelve was executed, that all but eight of sixty-seven were set free. The story does not tell how long the eight were in prison, but this decision was the first of a series in which uniformly the court has recognized the validity of the claim of every resident of the United States to benefit from the requirement of the Fourteenth Amendment that life, liberty, and property can be interfered with only as a result of strict adherence to the principles of "due process of law." The Arkansas cases were followed by the several "Scottsboro" cases. Here again, helpless Negro boys were charged with crime and railroaded

through the state courts, not, however, without dissent, to a sentence involving death. It is true that the court never found itself able to intervene in the Sacco-Vanzetti Case (259 Mass. 128 [1927]); nor in the Mooney Case (*Mooney* v. *Holohan, Warden*, 294 U.S. 103, 732 [1935]); but other decisions had made it clear that Negroes had a right to be indicted and tried by juries on which their race was represented and to equal educational opportunity.[1]



Fitzpatrick in "St. Louis Post-Dispatch"

FOUR FLORIDA NEGROES FIND SANCTUARY IN A MAD WORLD

And now, on February 12, 1940, in a case in which the young Negro petitioners had been subjected to five days and nights of grueling interrogation until confessions satisfactory to the prosecuting authority had been extracted from them, Mr. Justice Black, charged with once having been a member of the Ku Klux Klan, is allowed to represent the

[1] *Powell and Others* v. *Alabama*, 287 U.S. 45 (1932); *Norris* v. *Alabama*, 294 U.S. 587 (1935); *Hollins* v. *Oklahoma*, 295 U.S. 394 (1935); *Missouri* v. *Canada*, 305 U.S. 337 (1938); *Pierre* v. *Louisiana*, 306 U.S. 354 (1939).

unanimous view of the United States Supreme Court in the following distinguished statement:

For five days petitioners were subjected to interrogations culminating in Saturday's (May 20th) all night examination. Over a period of five days they steadily refused to confess and disclaimed any guilt.

The very circumstances surrounding their confinement and their questioning without any formal charges having been brought, were such as to fill petitioners with terror and frightful misgivings.

Some were practical strangers in the community; three were arrested in a one-room farm tenant house which was their home; the haunting fear of mob violence was around them in an atmosphere charged with excitement and public indignation.

From virtually the moment of their arrest until their eventual confessions, they never knew just when any one would be called back to the fourth floor room, and there, surrounded by his accusers and others interrogated by men who held their very lives—so far as these ignorant petitioners could know—in the balance. . . . .

The Constitution proscribes such lawless means irrespective of the end. And this argument flouts the basic principle that all people must stand on an equality before the bar of justice in every American court.

Today, as in ages past, we are not without tragic proof that the exalted power of some governments to punish manufactured crime dictatorially is the handmaid of tyranny. Under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are nonconforming victims of prejudice and public excitement. Due process of law, preserved for all by our Constitution, commands that no such practice as that disclosed by this record shall send any accused to his death.

No higher duty, no more solemn responsibility, rests upon this court than that of translating into living law and maintaining this constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our Constitution—of whatever race, creed or persuasion.

S. P. B.

JOHN HOWARD

THE Howard League for Penal Reform, a most respected British agency of social reform, calls attention through its "Honorary Secretary," Miss Cicely Craven, to the fact that John Howard,[1] a century and a half after his death, is still a living influence in the world. Miss Craven writes, in a recent number of the *New Statesman and Nation:*

A hundred and fifty years ago, on January 20th, 1790, John Howard died in Russia on active service for humanity. He was sixty-four years old and had gone

[1] See this *Review*, below, p. 173.

to the Crimea because the Russo-Turkish war offered an opportunity of studying in military hospitals the methods of combating plague and camp fever, which he believed to be allied to gaol fever. He caught the fatal illness himself and was buried near the village of Stepanovka, Cherson. He was given an "almost royal funeral"; the peasants have preserved his memory in legends and folk-song.

On his grave, under the name John Howard, addressed to the countless numbers who through four generations have stood humbly there to honor one of the world's truly great, are the words in Russian and in Latin: "Whosoever thou art thou art standing at the tomb of thy friend." It is well that Miss Craven has reminded us of John Howard's story:

Howard made his first contact with the prison system when he became High Sheriff of Bedfordshire in 1772. He ennobled that office as no other holder has done by taking seriously the responsibility for the county's prisoners, and his first visit of inspection of Bedford Gaol embarked him at the age of forty-six on his life work. He visited every single prison and bridewell in England and Wales twice or three times before publishing his book, *The State of the Prisons*. He observed penetratingly and minutely, weighed the prison rations, measured the rooms, recorded methodically and accurately and gave his countrymen a complete and damning picture of the injustice, corruption, inefficiency and misery of the filthy promiscuous eighteenth-century English gaol. He galvanised officials and legislators to action by the presentation of accurate information. He gave them new ideas and new standards for prison treatment by visiting and studying the gaols of other countries—France, Flanders, Holland, Germany, Denmark, Russia, Switzerland, Austria, Poland, Turkey, Italy, Portugal and Spain. Nor did the case of prisoners of war escape him, for he visited French and American prisoners at Winchester, Plymouth, Gosport and Pembroke.

Howard himself said he was only "the plodder, collecting materials for men of genius to make use of." By that same token he was the pioneer of all penal reform and, indeed, of all modern social reform, in so far as it is based on a careful, honest collection, publication and recognition of facts. . . . . [Howard's faith in the broken men in prison is expressed in his own words.] "Let him that thinks he standeth take heed lest he fall, and commiserate those that are fallen."

Howard died just before Europe was plunged into a quarter of a century of war and reaction. The reforms which he had outlined and Parliament had ordained were shelved, but it was Howard who had taught a later generation how to carry on his work.

HOSPITALS ARE NOT A HEALTH PROGRAM

THE plan proposed by the President[1] for an appropriation of "a sum of between $7,500,000 and $10,000,000" to construct small hospitals in needy areas raises many questions. Our hopes had been raised high by the Interdepartmental Health Conference in the summer of 1938 and by

[1] H. Doc. No. 604 (January 30, 1940).

Senator Wagner's active interest last session in attempting to pilot the important health bill through Congress. But nothing came of Senator Wagner's efforts but a belated decision by the Committee to report back the bill. Now it appears that we are to have not the substance but a shadowy substitute that will only meet the smallest possible fraction of the need—not a health program but a series of hospital shells. Hospitals in needy areas—with no funds for their support, with no provision for getting them properly staffed, and with no funds for getting the people who need care into the hospitals or cared for while they are there. Mr. President, we asked for bread and you are giving us stones!

The President's message recommending the federal hospital appropriation reminded the Congress that "conditions described a year ago are substantially unchanged today." But those conditions unfortunately cannot be changed by the sporadic building of a handful of small and unsupported hospitals. A large and adequate and long overdue health program was expected and is now to be indefinitely postponed in spite of the demonstrated need.

SIGMUND FREUD

IN A tribute to Sigmund Freud and his work the November, 1939, issue of the *American Journal of Sociology* is devoted to a symposium on his contribution to the psychological and social sciences, to literature, and to modern life. The contributors comprise a group of competent specialists from these fields, each of whom attempts to appraise Freud's point of view from a particular angle. From the series of articles one sees that there have been common response patterns to the development of psychoanalytic thinking. In these various fields there have been phases of initial rejection of Freud's radical departure from traditional thinking; phases of indiscriminate use of his concepts in which Freudian followers have outreached Freud's most daring assumptions; and now in some instances apparently a phase in which his thinking is being integrated with reference to differential contents. The historical perspective afforded through these articles as well as the content of information constitute a valuable contribution to the student in the social and psychological fields.

C. T.

THE NATIONAL LABOR RELATIONS BOARD AND THE SUPREME COURT

ONE of the questions which is going to be of great concern to those interested in the development of public welfare agencies in the coming years is that of the relation between the courts and the administrative authorities. The question is: Is administration so certain to become auto-

cratic and bureaucratic that there must be provided a protection against its tyranny by recognizing a universal right of appeal to the courts? In a unanimous decision handed down on February 12 and expounded in an opinion read by Mr. Justice Black, the Supreme Court reminds the reader that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts, and that, as the legislature has intrusted the responsibility for administrative decisions to an administrative authority, the Labor Relations Board was quite within its powers in issuing an order, and no appeal would be allowed. This means that the administrative authority is then put upon its own responsibility when questions of controversies and acute issues arise to have its decisions characterized by those features of notice and hearing, time for deliberation, public explanation, which are the essential features of "a day in court."

There are those, of whom the late Senator Logan of Kentucky was one and the Hon. F. E. Walter of Pennsylvania is another, who do not think that such power can be safely left with the administrative authority and are proposing that an appeal to the courts should always be possible where important questions are under consideration. But the welfare student knows that eventually the kind of administration which he is seeking to develop—an administration based upon honest, genuine, experimental attitudes toward the task; upon honest, critical examination of one's experience; upon frank, full, intelligent, and comprehensive reporting resting on accurate continuous and adequate recording—that only on these foundations can the type of service of an administrative kind that has been undertaken now on a national scale through the co-operative relationships of the federal, state, and local governments in public assistance and employment and unemployment undertakings be accomplished.

In its decision in the case of the National Labor Relations Board against the Waterman Steamship Corporation of Mobile, Alabama, where the board had ordered the Corporation to cease alleged discriminations against members of the National Maritime Union of the C.I.O., in which the Circuit Court had set aside the order and an appeal had been taken to the Supreme Court—in this case the Supreme Court rebukes the Circuit Court and declares that under the Act of Congress the decision of the board is final and there is no appeal to the judiciary. The Supreme Court refuses to substitute its judgment with reference to the facts of the case for the conclusion of the board and alleges it to be of "paramount importance that courts should not encroach upon this established power of the Board if effect is to be given the intention of Congress to apply an

orderly, informed and special procedure to the complex administrative problems arising in the solving of industrial disputes."

What the effect of this decision will be upon the action of those who distrust administrative authorities cannot be foretold; but the case has great significance in calling to the attention of those who exercise administrative authority and those who are responsible for legislation in the welfare field the very great significance from the point of view of ultimate administrative service of the question of whether or not the administration can be found worthy of being vested with a power of final decision.

S. P. B.

JULIUS ROSENWALD—A GREAT AMERICAN CITIZEN

THE *Review* publishes with special pleasure Mr. John M. Glenn's review[1] of the new Werner biography of Julius Rosenwald. Mr Rosenwald was a great American, and the social workers of Chicago for more than a quarter of a century had the rare privilege not only of knowing him but of working with him. An active board member of many social agencies he gave time generously to our meetings, and his enthusiastic interest in work well done gave new courage to those who often found the way long and hard. The *Social Service Review* is glad to pay tribute to Julius Rosenwald. He was one of our earliest friends and wisest counselors. The story of his life will be welcomed by a very large number of social workers who remember him with affection and admiration and by younger members of our group who wish to pay tribute to his remarkable generosity which was directed by his rare social intelligence.

ANNUAL MEETING OF THE PROFESSIONAL SCHOOLS

THE annual meeting of the American Association of Schools of Social Work was held in Washington, D.C., January 26–28. Representatives of thirty-seven schools that hold membership in the Association were present. There were also representatives present from the Social Security Board, the United States Children's Bureau, the American Public Welfare Association, and the American Association of Social Workers. Two new schools were admitted to membership—the Univeristy of Nebraska (Dr. Frank Z. Glick, director) and the University of Utah (Dr. Arthur L. Beeley, director).

The program included a series of interesting discussions dealing with the special reports made by the subcommittee on the work of the schools in the training of personnel for the public social services. Various

[1] See below, p. 146.

reports were made by the members of this committee under the chairmanship of Mr. Robert Landsdale, of the New York School of Social Work. The topics discussed included such subjects as "Training Needs of the Public Services," "Civil Service," "Case Work in the Public Agencies," and various important questions of the adequacy of the work now done by the schools in their effort to meet the new demands for personnel. Among the speakers at one meeting were Miss Elizabeth Cosgrove, of the United States Civil Service Commission; Mr. Albert H. Aronson, of the Social Security Board; Miss Faris Beehler, of the Maryland State Employment Commission; Mr. Glenn E. Jackson, executive director of the New York State Bureau of Public Assistance; and Mr. Howard L. Russell, secretary of the Pennsylvania Department of Public Assistance. Their discussion of the relation of schools to the various needs of the fields that must be met through the civil service was interesting and helpful.

The officers elected for the year 1940–41 included the following: president, Arlien Johnson, University of Southern California; new members of the Executive Committee, Roy M. Brown, University of North Carolina, Anna E. King, Fordham University, and Helen R. Wright, University of Chicago. Other members of the committee who hold over from last year include: Gordon Hamilton, New York School of Social Work, Florence Hutsinpillar, University of Denver, and W. I. Newstetter, University of Pittsburgh. Chicago was selected as the place of the 1941 annual meeting. Other sessions will be held during the National Conference of of Social Work at Grand Rapids in May.

A NEW SOCIAL SERVICE MONOGRAPH

IN ACCORDANCE with our usual policy of not publishing reviews of our own books, we merely announce the publication of a new "Social Service Monograph," *A History of Contagious Disease Care in Chicago before the Great Fire* (xiii+169 pp.; paper, $1.25), by Constance Bell Webb, director of the social service department, Montreal General Hospital. Mrs. Webb's interesting study traces the history of attempts to protect the public health in pioneer Chicago when there were so many difficulties in the way of protecting the health of the people. Today, even though we "clearly recognize that cholera, for example, like typhoid fever, is a communicable disease rather than a contagious one, that opinion was by no means general at the beginning of Chicago's history." This explains, perhaps, some of the serious delays in effective action.

Mrs. Webb describes the early quarantine methods and early pesthouses in Chicago and the struggles with early epidemics—"canal chol-

era" and other cholera visitations as well as smallpox. Unfortunately, Mrs. Webb's story comes to an end with the new problems created by the "Great Fire." This work of a zealous and careful student will, it is believed, be welcomed by other students.

THE ILLINOIS-CHICAGO MEETING IN MEMORY OF GRACE ABBOTT

THE *Welfare Bulletin* of the Illinois State Department of Public Welfare has published in its current issue (February, 1940) the complete series of addresses "in honor of Grace Abbott and to pay affectionate tribute to her services in the field of social welfare" delivered at the meeting held at the University of Chicago last fall during the annual meeting of the Illinois Welfare Conference. The organizations that joined with the Conference in arranging for the meeting included the American Public Welfare Association; the Chicago and Illinois chapters of the American Association of Social Workers; the Chicago Council of Social Agencies representing the 212 important public and private social agencies of Chicago; and the School of Social Service Administration of the University of Chicago. The director of the Illinois State Department of Public Welfare (Hon. A. L. Bowen) presided, and addresses were delivered by Marshall E. Dimock, professor of political science in the University of Chicago, now assistant secretary of the United States Department of Labor;[1] Miss Katharine Lenroot, chief of the United States Children's Bureau; Mrs. Kenneth F. Rich, director of the Immigrants' Protective League; Anne S. Davis, of the Illinois State Department of Labor; Joel D. Hunter, superintendent of the United Charities of Chicago; Josephine Roche, chairman of the United States Interdepartmental Committee on Health; and Professor Andrew C. McLaughlin, of the University of Chicago. A reprint of these addresses from the *Welfare Bulletin* may be obtained, on request, from the *Social Service Review*.

[1] See this *Review*, XIII (December, 1939), 573–78.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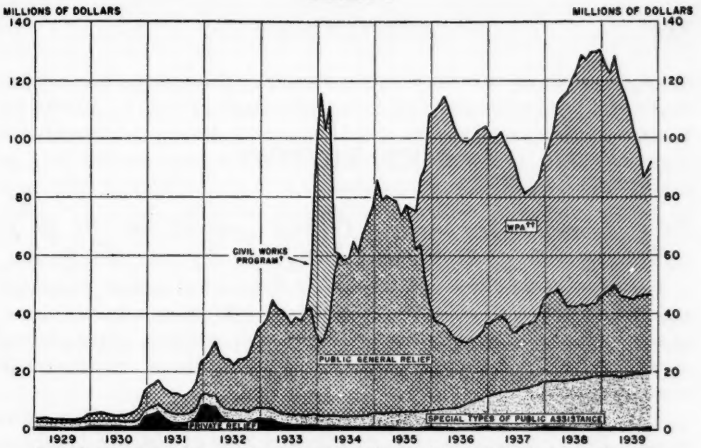
ADJUSTED TO 1937 CENSUS

CHART I

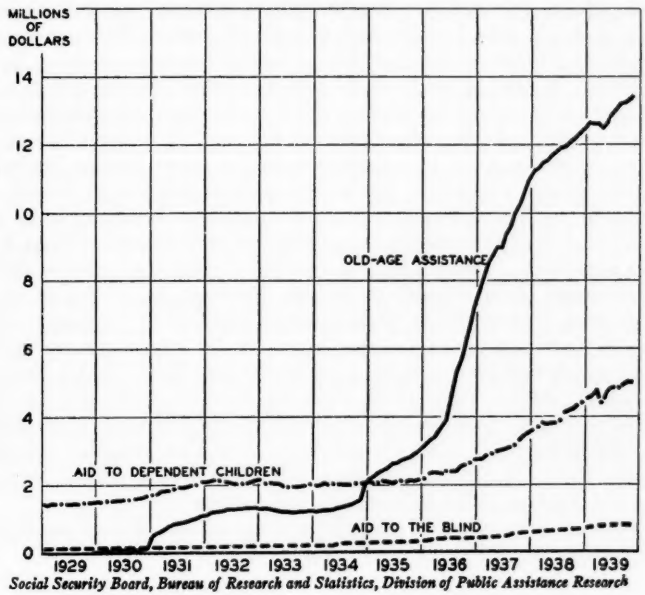


Social Security Board, Bureau of Research and Statistics, Division of Public Assistance Research

PUBLIC AND PRIVATE ASSISTANCE AND EARNINGS OF PERSONS EMPLOYED ON PROJECTS OPERATED BY THE WORKS PROJECTS ADMINISTRATION AND UNDER THE CIVIL WORKS PROGRAM IN 116 URBAN AREAS, JANUARY, 1929—NOVEMBER, 1939

† Earnings of all persons employed under the Civil Works Program, including the administrative staff.
†† Earnings on projects operated by the Works Projects Administration within the areas.

CHART II



Social Security Board, Bureau of Research and Statistics, Division of Public Assistance Research

SPECIAL TYPES OF PUBLIC ASSISTANCE IN 116 URBAN AREAS JANUARY, 1929—NOVEMBER, 1939

BOOK REVIEWS

Julius Rosenwald: The Life of a Practical Humanitarian. By M. R. WERNER. New York: Harper & Bros., 1939. Pp. xiv+381. $3.50.

Werner's *Life of a Practical Humanitarian* gives a vivid picture of a remarkable man and of conditions in the United States with which he had to reckon. It gives an enlightening presentation of a number of phases of our national development during Rosenwald's lifetime. It is written clearly and the material is well organized.

Sprung from immigrant parents of low degree financially but of high degree morally, Rosenwald was forced to start life with little education and make his way through his own efforts. Fortunately he was endowed with exceptional ability to direct affairs on a large scale and to recognize good openings when they came his way. Rosenwald's parents were immigrants from Germany. His father, Samuel, began life in this country in 1854 as a country peddler, but in 1856 was employed by the firm of Hammerslough Brothers, who were operating a well-established clothing business. In 1857 Samuel married a sister of the Hammerslough's. Julius was born in Springfield, Illinois, in 1862. He attended the public schools of Springfield until he had finished the second year in high school. Then in 1879 he moved to New York to begin self-support. He became an apprentice to the Hammersloughs at $5.00 a week and earned extra money in his spare time. In 1884 he and a brother started a clothing store of their own. In 1885 the two moved to Chicago and with a cousin started the manufacture of summer clothing. In this venture they were moderately successful in spite of keen competition. So in 1890 Julius was able to marry Augusta Nusbaum. Aaron Nusbaum, a brother of Mrs. Rosenwald, had made $150,000 from a concession at the World's Fair for the sale of soda water. Seeking to invest this money profitably, he learned of the growing mail-order business of Sears, Roebuck and Company. Sears, a genius at advertising and selling, agreed to sell him a half-interest in the company for $75,000. Nusbaum, not wishing to risk so much alone, tried in vain to persuade several friends to buy half his interest. Finally, Rosenwald agreed to invest $37,500 in the company, obtaining the money partly from his own business and partly from friends. The trio formed a remarkably able and happy group, the general economic condition of the country favored them, and the business expanded steadily. Rosenwald threw himself into the business enthusiastically and devotedly and was rewarded with great wealth. He said that this opening was merely a piece of good luck, but to take it required intuition, ability to judge men, and courage.

The story of the growth of the business of Sears, Roebuck and Company is a

real romance, and it is well told by the author of the *Life*. In 1897 it employed 475 persons; by 1906 this number had grown to over 9,000 and by 1938 to more than 50,000. In 1900 the company sold about eleven million dollars' worth of goods; in 1937 net sales produced well over $500,000,000. Soon after the enactment of the Parcel Post Law in 1912 the Company became the largest customer of the P.O., shipping about 20,000 parcels at a cost of about $6,000 daily. In 1901 Sears and Rosenwald paid Nusbaum $1,250,000 for his interest in the company, which had cost him originally $37,500. In 1909 Sears sold his stock for $10,000,000; in 1928 this same stock was valued at over $200,000,000.

Much of this success was due to Rosenwald's remarkable organizing and executive ability and his integrity and insistence on dealing frankly and squarely with customers. After Sears's retirement he became president of the company and carried the chief responsibility for directing its operation and affairs.

Rosenwald took a real interest in his employees, and his personal relations with them were cordial. He was generous as to bonuses and in making it possible to buy stock in the company on easy terms. He saw that the company provided athletic fields, medical clinics, and other means of promoting health and recreation for its employees. In 1915 Mrs. Joseph T. Bowen, who held a considerable block of stock in the company, wrote Rosenwald suggesting that some portion of the large profits of the company should be allotted to its employees. Apparently this letter was not answered, but in 1916 he and his associate, A. H. Loeb, devised and put into operation a plan for giving the employees of the company a share in its profits. This is said to have been one of the best of such plans. A fund was established to which the company contributed 5 per cent of its net profits and each member employee 5 per cent of his wages. Later the company increased its contributions. The fund was managed by a board consisting of three officers or directors of the company and two employees. By 1936 the fund had become the largest single stockholder of the company.

On the other hand, Rosenwald was never willing to relate the wage scale to the cost of living. He thought that such a course would be philanthropic and that philanthropy and business could not be combined satisfactorily. His testimony before the O'Hara Commission on this subject is interesting. He believed sincerely that the standard of wages must be determined by competition and by market rates; he considered it unfair to competitors to do otherwise.

Rosenwald became known throughout the world chiefly through his deep interest in humanitarian causes and his extraordinary generosity. These traits showed themselves long before he acquired great wealth. Once, while he had only a moderate income, after hearing a tale of need at a meeting of Jewish charities in Chicago, he rashly promised to give $2,500. Fortunately he was able to find the money to keep his pledge. To any cause that seemed to him sound and practical as a channel to aid unfortunate people he always responded joyfully and with great liberality. He was usually the largest giver when money was needed for such purposes. He was also a large giver to educational enterprises.

Witness his gifts to the University of Chicago, to Tuskegee Institute, and to other institutions of learning. He created the Julius Rosenwald Fund in 1917 with a gift of two hundred shares of stock of Sears, Roebuck and Company. Later he added to the fund until in 1928 its endowment amounted to $40,000,000. He emphasized his dislike of permanent endowments by directing that the principal of this fund must be entirely spent within twenty-five years after his death.

Probably Rosenwald's keenest interest was in procuring better conditions of living and fuller educational opportunities for Negroes. In 1910 he was stirred by reading John Graham Brooks's *Life of William H. Baldwin, Jr.*, a railroad executive who had actively urged the importance of giving Negroes in the South more and better schools and longer terms. Baldwin had been also associated with Booker T. Washington as a trustee of Tuskegee Institute. Later in 1910 Rosenwald responded to an appeal for a Y.M.C.A. building for Negroes in Chicago by offering to give $25,000 to any city in the United States that would raise $75,000 additional for such a building. To this gift, as was his habit, he tied no strings but left the management entirely to local responsibility. His offer was accepted ultimately by twenty-five cities, and about $6,000,000 was secured from white and colored people.

In 1911 Rosenwald met Booker T. Washington and gave him a lunch. They became intimate friends. Rosenwald became a trustee of Tuskegee and took an active part in its affairs. Annually he took a party of friends there to see its work. Among his many gifts for the benefit of Negroes the most conspicuous was his contribution to the building of schools throughout the South. He gave about one-third of the cost and the rest was supplied by local people and by county and state governments. When he died a total of nearly $28,500,000 had been spent for over fifty-three hundred school buildings. Of this sum he had given 15 per cent, local authorities, 64 per cent, Negroes, 17 per cent, and other individuals, 4 per cent.

Space limits prevent description of Rosenwald's huge gifts for help to Jews in trouble, of his liberal personal and financial aid to social agencies and to political reform in Chicago and elsewhere, of his valuable war work, of his success as a Y.M.C.A. entertainer of soldiers in France, or of other activities.

There seemed to be no limit to Rosenwald's activity or to his sympathy and liberality toward people who needed help as well as toward those who were trying to help them. He had a tender heart, but it was coupled with sound judgment and great courage to back his well-thought-out convictions and decisions. His integrity is unquestioned; he would not willingly let any one suffer for any act of his. His family relations were beautiful.

All this and much more that is interesting is set forth in this excellent *Life*, which is not only a good biography but an interesting commentary on the times through which Rosenwald lived.

JOHN M. GLENN

RUSSELL SAGE FOUNDATION

Old-Age Security: Social and Financial Trends. By MARGARET GRANT. New York: Social Science Research Council, 1939. Pp. xiii+255. $2.50.

The payment of substantial monthly benefits under the federal old age and survivors' insurance program has made many public welfare workers acutely conscious for the first time that we have two national systems to provide for the economic hazards of old age. Up until this year the contributory plan has seeemed remote. On the contrary, the federal-state noncontributory program of old age assistance has been very much with us.

Most of the contemporary administrators of old age assistance had little or nothing to do with the early pioneering for state old age pension laws or the later national planning which resulted in the provisions for two national old age systems in the Social Security Act. There is no point in going into the reasons for this. It is important, however, to indicate that an obligation rests upon public welfare administrators to take cognizance of the working-out of both the insurance and the assistance programs so that they can offer concrete evidence of legislative and administrative changes which need to be made in order to achieve the best results from these two systems.

Miss Grant's study is required reading as a background for the administrators and students who would observe how the public programs for the aged in this country actually are affecting people. The author has undertaken what is primarily an administrative and financial study of governmental measures for the aid of the aged with major attention to seven countries. The noncontributory pension plans of Denmark, Great Britain, New Zealand, and Australia are contrasted with the contributory insurance systems of Germany, Great Britain, Czechoslovakia, and Sweden. The discussion throughout is focused upon those phases of the foreign experience with pension and insurance plans which throw light upon problems faced in the United States.

A few of the chapters, particularly that on the financing of old age insurance systems, will appeal chiefly to the specialist. No one concerned with the welfare of the aged, however, should fail to read the two concluding chapters, entitled respectively "Population Trends and Old Age Security" and "Foreign Experience and American Problems." I dare say that the reader who starts with these provocative chapters will go back and read Miss Grant's valuable book in its entirety.

ROBERT T. LANSDALE

NEW YORK SCHOOL OF SOCIAL WORK

Incomes, Means Tests and Personal Responsibility. By P. FORD. London: P. S. King & Co., 1939. Pp. 86. 5*s*.

Professor Ford's study provides, as he says, a "solid basis" for a discussion of so-called "means tests," the mutual responsibilities of members of families, and the effect, in this area, of the public social services developed in England

in the last three decades. There is a detailed survey of all the local and central means tests with suggestions as to their future use and development.

An interesting comparison is made between the family responsibility sections of the Poor Law of 1601 and the Poor Law of 1930. By the latter, we are told, "certain persons have a legal duty to assist in the maintenance of needy relatives," and in the last resort in England as in this country the authorities may obtain an order compelling the relatives to make some contribution to any relief granted. Professor Ford notes as striking that the list of persons from whom such contributions may be obtained "should have been continued, almost unchallenged and without discussion, since the Act of 1601." By that act the maintenance of poor relatives who were infirm and unable to work were father mother, grandfather, grandmother, husband, or child. The unmarried mother, the stepfather, and the wife with property have since been added. It is significant that in England this family responsibility obligation did not extend to the able-bodied poor. It is also significant that "brothers and sisters are not included, and that while grandparents are liable for grandchildren, the latter are not liable for grandparents." Again, it is noted as significant that, in modern public assistance administration, a secondary liability rests upon the members of the household of any person granted home relief. "In determining the amount of assistance to be given, both income and the needs of all members of the household, with certain statutory exceptions, are taken into account."

While this is an interesting book, it does not seem, to an American student, to point the way to any solution of present difficulties. Professor Ford has prepared a careful statistical analysis based on material collected in different English surveys, and he has secured a good deal of new material from the records of the Unemployment Assistance Board. He is, therefore, able to determine quite accurately the various means of support in different families asking for public assistance and to determine the share contributed to the family pool by employed members who are allowed under the rules of the Public Assistance Committees and the Unemployment Assistance Board to retain a certain portion of their income for personal expenses.

> It is the practice of Public Assistance Committees and of the Unemployment Assistance Board to disregard certain sources of income, and to allow other earners to "retain" a portion of their income for personal expenses, that is, not to bring it into assessment. Here we reckon the entire income of the household as available to meet expenses. We are not concerned with the legal aspect of the matter, i.e. with what proportion of an individual's ascertained resources the Board will assume to be available for the support of others, but with the sum total economic condition of the household, taking all resources into consideration [p. 54].

This brings us back again to the fact which is now clear to American students that the problem of the use of the means test will be solved not by any careful economic analysis but by the democratic demand on the part of the increasingly articulate people in need for public aid which they do not want to have based on any means test. The historical American example, of course, is the system

of public education, with the means test not only abolished for the children in the elementary schools but for the great high-school systems and, in most of the states, state and municipal universities with their varied curriculums and professional schools. Old age pensions will undoubtedly be granted in this country, without any means test, with age as the sole determining factor. This will come not on the basis of the economic data provided in a study of this kind but because large numbers of people are now convinced that it is in line with the American doctrine of "equality of opportunity" and with the constitutional doctrine of "certain inalienable rights" which everyone is supposed to enjoy. Added to the increasing demand for the abolition of the means test is the growing conviction on the part of the conservative group in this country who object to the employers' contributions and the nuisance of the employee contributions required under the so-called social insurance scheme. Many employers are now in favor of a universal old age pension that would make the social insurance scheme, with its annoying taxation, unnecessary. Since it is questions like these that will determine future policies, the careful work done by Professor Ford in this book seems a little like "much ado about nothing." It is, however, an interesting book for those who are concerned about any precise data relating to family composition and contributions to support.

EDITH ABBOTT

UNIVERSITY OF CHICAGO

Problems and Procedures of Unemployment Compensation in the United States. By WALTER MATSCHECK and RAYMOND C. ATKINSON. Chicago: Public Administration Service, 1939. Pp. 85. $1.25.

Special studies of American experience with unemployment compensation have been almost continuously going on since a few months after Wisconsin put the first law into operation in 1934. The first studies dealt with the administration of contributions and with organization, but the public is obviously more directly concerned with the payment of benefits than with these other matters. Under the auspices of the Committee on Social Security of the Social Science Research Council, Mr. Matscheck and Mr. Atkinson undertook a study of benefit problems which had been encountered up to the end of 1938. The administration of benefits is discussed and criticized under these headings: "Elements of Benefit Procedure," "Employee Earnings Records," "Base Period and Benefit Year," "The Weekly Benefit Rate," "Maximum Amount of Benefits, Eligibility, and Waiting Period," "Benefits for Partial Unemployment," "Seasonality," and "Merit Rating." Everyone familiar with unemployment compensation in this country knows that administrative organization and procedure for the payment of benefits have been cumbersome and expensive. The authors have performed a useful service in assembling the facts which show precisely why the machinery needs overhauling either by regulation or by amendments to the laws.

Following the analysis of administrative data, the authors propose a "simpli-

fied benefit procedure for unemployment compensation" in the Appendix. The aim of the simplified procedure "is to make possible the payment of benefits to unemployed covered workers with less effort, greater promptness, and less cost than has generally been the case in the experience of states to the present time." More specifically, the revised procedure should reduce the volume of processing operations by the state agency, minimize and simplify reporting by employers, make the procedure understandable to the worker, permit predetermination of benefit rights for all covered workers, increase promptness in paying benefits, reduce the cost of operation of the agency, and minimize fluctuations in the volume of work in the central office. Unquestionably the procedure suggested would help to accomplish these purposes.

In an otherwise excellent piece of work one is a little surprised to find the authors speculating with obvious fear regarding the supposed threat of seasonal unemployment to the solvency of unemployment-compensation funds. In the first place, as they admit, present data are inadequate to formulate an opinion about the financial importance of seasonal unemployment in the compensation systems, second, other countries have not found benefits for seasonal workers very distressing, and, third, since the American device of relating duration of benefits to the number of weeks of work is in operation in many states and can be utilized in the others, benefits to seasonal workers bear a direct relation to the duration of their work and, therefore, to contributions on their wages. Case studies of particular plants of particular industries would throw light on this subject, and the authors seem to have had this kind of research in mind for some future work.

R. CLYDE WHITE

UNIVERSITY OF CHICAGO

Financing Government. By H. M. GROVES. New York: Holt, 1939. Pp. xvi+777. $3.75.

The rapid expansion of government expenditures in recent years, with its accompanying burden of taxes, has not only increased the importance of fiscal problems; it has raised new problems; and it has demonstrated clearly that public fiscal policies may influence the whole national economy to a degree scarcely imagined a quarter of a century ago. Consequently, the general treatises on public finance have suffered rapid obsolescence, and the best work in the field has been available only in scattered and specialized writings. A new textbook in this field is, therefore, more than usually welcome.

Professor Groves's book is comprehensive, clearly written, and offers a balanced presentation of the subject. The author has long been recognized as one of the ablest authorities in this field, and his wide experience in state and federal offices, as well as in academic work, has given him an awareness of the political and administrative aspects of the problem that prevents the theoretical discussion from soaring to unreality. General principles are illustrated and sup-

ported by factual data. The form of the book makes it useful for reference purposes. Headings, subheadings, and indexes make it easy to find specific points. Summaries afford a helpful review and selected readings aid the student who wishes to pursue particular problems beyond the discussion given. The chapters on social security taxes and public welfare expenditures are of especial interest to the student of social service administration.

MABEL NEWCOMER

VASSAR COLLEGE

Financing Economic Security in the United States. By WILLIAM WITHERS. New York: Columbia University Press, 1939. Pp. x+210. $2.75.

Adequate support for the public relief and security services continues to be a question of primary importance to social workers. In this recent study of the methods of financing these social welfare programs Dr. Withers first sets out the attempts to finance relief—the amounts spent after the beginning of the "New Deal" in 1933, the sources of revenue, distribution to the states of the sums available, with some account also of the programs for which the funds were used, and the administrative costs. This new analysis of the extremely variable relief grants that were made to the states under the F.E.R.A. is interesting but throws little, if any, new light on the reasons for the widely different grants made to the states for relief purposes.

But the author also discusses the important question, "Can we afford these large expenditures?" Dr. Withers suggests that "there is a real limit to the size of these expenditures which is frequently discussed by those who determine financial policies. Clearly this limit is determined by the taxable capacity of a nation and by the effects of social security upon business prosperity and national income" (p. 86). But social workers would challenge the author here and suggest that the limit may be greatly increased, not by increased taxes but by a redistribution of our expenditures; that is, by diverting to the social welfare program the really vast sums now used for wasteful expenditures, for example, excessive and unnecessary expenditures on the army and the navy, not to mention the sums thrown away on political friends of the party that happens to be in power. However, although he apparently accepts the *status quo* without the possibilities that lie ahead if we make available for the welfare program the funds now used for nonbeneficial expenditures, Professor Withers reports that he has "discovered that the United States possesses an unused tax capacity which can be devoted to security expenditures and that one-and-a-half to two billion dollars more could be disbursed annually without unduly disturbing the economic system. Such increases would allow more than a 50 percent increase over the average outlays made in 1933–35. At least there is no reason for curtailment of security expenditures unless relief needs decline" (pp. 164–65).

Dr. Withers does not approve of sales taxes, and here social workers would give him their support. He points out that "borrowing and regressive taxes have

constituted the main sources of relief funds and that progressive taxes such as the graduated income tax would have been preferable." Every effort, he thinks, should be made to "secure these additional funds from the income tax, since it does not destroy purchasing power or create conditions which threaten to cause inflation."

As to the so-called social insurance benefits—unemployment compensation and old age benefits—Dr. Withers observes that "the unemployment and old age payments are too meager and the duration of payment too short to guarantee any considerable degree of security" (p. 169). He thinks that some increase in the amounts now provided will certainly be necessary. There is, he suggests, "no certainty at present as to the future yield of pay-roll taxes. The size of the future benefits is as uncertain as is the amount to be derived from the pay-roll taxes."

Social workers will be interested in this, as in other careful discussions of the possible support for, and probable expansion of, the new services. Dr. Withers thinks that all indications point to an increased expenditure for old age pensions and unemployment insurance, to be assisted by federal grants. "When this need is widely appreciated, the cry will arise that the Federal Government cannot support these additional expenditures. The answer lies in the capacity of the country, which even at the present time might allow for an increase of 50 per cent in security expenditures" (p. 170).

E. A.

The Puerto Rican Migrant in New York City. By LAWRENCE R. CHENAULT. New York: Columbia University Press, 1938. Pp. xii+190. $2.25.

This is the most ambitious study that has been undertaken on the Puerto Rican migrant in New York City. Mr. Chenault, who taught in the department of economics of the University of Puerto Rico, has approached the subject with both courage and ability. Almost destitute of sources of information, since very little has been written on the subject previously, he has done a pioneering piece, gathering material from social workers, nurses, members of the staffs of a great variety of institutions, and, to a lesser extent, from reports, newspaper articles, and books.

The main purpose of the study is to show some of the social effects resulting from the movement of Puerto Ricans to New York City. The movement might more properly be considered as one of internal migration since Puerto Ricans are American citizens and the island is a part of the United States. Practically, however, it is much more like one of immigration.

The study deals with Puerto Rico itself only in so far as the island is a necessary background both for the causes that bring about the migration and for an understanding of the qualities and previous environment of the migrants. The extent of the migration and the places of settlement in the United States are

then taken up, together with the migrants' problems that are brought about by the abrupt change from the environment of a rural and tropical island to that of a complicated industrial city. This complete environmental change necessitates adjustments out of which the social problems arise.

The migration from Puerto Rico is closely related to the population problems of the island. It started in mass in 1920 as a result of the demand for industrial labor created by the World War and stimulated by the restriction of immigration and the increasing stringency of the island's economic situation. With an area of 3,340 square miles, the island has to support a population of approximately 1,800,000, over 538 persons per square mile, and more than 1,700 per square mile of cultivated land. Being entirely agricultural, Puerto Rico has less land per capita than most of the highly industrialized European nations.

The system of land tenure, on the other hand, with its concentration of the best land in large absentee-owned farms dedicated to the growth of sugar cane, has brought about almost a full dependence on outside sources for food. The tariff laws force the island to buy its food and manufactured articles from the United States. The result is that against the prevailing starvation wages the living costs are high; and the proportion of the population that can afford even the minimum essentials of an adequate food supply, let alone other necessities such as shelter and clothing, is extremely small. In Puerto Rico there is no direct relief. The gap between income and the ability to purchase adequate food is the cause of widespread malnutrition, prevalence of disease, and, ultimately, of a large migration to the United States, particularly New York City, where wages are reported to be high and work opportunities plenty. The movement to other sections of the country is rather insignificant.

The second part of the book is devoted to the Puerto Rican worker and his family in New York City. The fact that the Puerto Rican migrates to New York City rather than to other places more like his native environment suggests the difficult adjustments which he is forced to undergo. These adjustments to language, climate, urban environment, housing conditions, and new racial groups, coupled with discrimination, lack of skill or industrial training, and the severe competition of a new labor market, create important problems, especially when the settlement has to be made principally in the poorest sections of the city. Facing his difficulties, the worker, if he is employed at all, usually has to do unskilled labor at wages which are notoriously low. All these handicaps force him to come to the attention of the social agencies. At the present time the proportion of Puerto Rican families, according to the population receiving relief, is abnormally high.

Housing facilities available to them are also poorer than those of most of the other groups in New York City. Rentals, in turn, tend to be high, probably due to congestion and the fact that at most periods the housing facilities are taxed by the migration of other people from other parts of the United States. In many cases, the conditions under which they live are wretched. Because of the

climate and apartment-house living, they are much more confined, lacking the plentiful fresh air and sunlight which they had on the island. The families are usually large and the apartments small, so they live crowded together. Mortality and morbidity rates consequently appear to be almost as high as those found on the island. The migrant, however, finds in New York greater specialization, better facilities, and a larger variety of medical services furnished by the community.

It is not strange that, under the described circumstances, the Puerto Rican migrant feels the influence of the antisocial behavior prevalent in the neighborhoods where he has settled. In 1935 the number of migrants amounted to 58,200, not counting the children born of Puerto Rican parentage, in the states.

The absence of statistical data makes it difficult to reach any conclusions as to the effect the movement may have had on the migrants or the migrants' influence on the community in which they have settled. Neither can, for the same reason, any conclusions be reached as to the success or failure of the movement, though a continuous excess of arrivals over departures seems to indicate that the Puerto Ricans are much better off in New York City than in Puerto Rico itself.

Mr. Chenault's study is intended to be the beginning rather than a full and complete study of the Puerto Rican migrant in New York City. It attempts to assemble, for the first time, what material is now available about the movement.

PORFIRIO DIAZ

ARROYO, PUERTO RICO

Labor in the United States: Basic Statistics for Social Security. By W. S. WOYTINSKY. Washington, D.C.: Committee on Social Security, Social Science Research Council, 1938. Pp. xxii+333. $3.50.

Social Problems in Labor Relations: A Case Book. By PAUL PIGORS, L. C. MCKENNEY, and T. O. ARMSTRONG. New York: McGraw-Hill, 1939. Pp. xxiii+325. $3.00.

Woytinsky's examination of census statistics is a very competent and clearly presented analysis. The working population is classified statistically by industry and class of work, sex, race, and age. Expected duration of period of work, economic shifts from occupation to occupation, and trends in growth and distribution of the working population are analyzed with reference to the problems of social security coverage which they present. The second part of *Labor in the United States* examines the distribution of employees by industries and by size of establishment. Regional or state distributions are omitted from this study, and only national figures are used. This book is not for general reading but is an excellent handbook, and most people who think actively about trends and perspectives of problems that center in our working population will find careful perusal interesting and intellectually stimulating.

Social Problems in Labor Relations is designed for classroom use. Cases are clear-cut descriptions of situations actually found in industry—problems of hiring and firing, of transferring and training employees, of safety and working conditions, and of union-management co-operation for efficient production. The authors start with recognition of business as a twofold enterprise: a "society" and an economic undertaking, with frequent clashes between logical methods of achieving economy and nonlogical human factors. It emphasizes the necessity of "social research in the interior of our large firms." Philip Cabot points out in his Foreword: "Unless the managers of large-scale business can produce social inventions on a scale comparable with that on which they have produced mechanical inventions, the increasing instability long observable in our economic structure will end in collapse."

PAUL S. TAYLOR

UNIVERSITY OF CALIFORNIA

The Legislative Background of the Fair Labor Standards Act. By ORME WHEELOCK PHELPS. ("Studies in Business Administration, School of Business, University of Chicago," Vol. IX, No. 3.) University of Chicago Press, 1939. Pp. 71. $1.00.

Those who think that the federal Fair Labor Standards Act passed in 1938 was a startling new departure in public regulation of business practice of a kind never before attempted in this country would discover how completely they are mistaken by a reading of this monograph. Those who know that it was preceded by state and even by national legislation of great quantity and variety, regulating wages, hours, and the employment of children, would find here an excellent account and analysis of the "ancestral" legislation. The author's thesis is that governmental control of business takes national form only after a process of state experimentation in legislation and administration, and this piece of federal legislation is an excellent illustration of his thesis. More specifically, what he attempts to show is "in what respects the act restates the substance of previous and existing laws, how far it is an extension of present standards, and wherein it is new in regulative content."

The author's conclusion is that this act is the culmination of a movement for the legislative regulation of wages, hours, and child labor that has had "a steady and consistent growth—with only slight and temporary reactions." When he compares the Fair Labor Standards Act with the existing pattern of state legislation in 1938, he finds it, however, decidedly more severe in its requirements. The establishment of a higher minimum age for the employment of children than was generally set by state law will, he thinks, cause little difficulty or conflict but not so the changed maximum for the length of the working week. The Fair Labor Standards Act does not directly prohibit hours in excess of forty-four, forty-two, or forty, by October 23, 1940, but provides for payment

for overtime so defined at one and a half times the standard rate. A maximum work week of forty hours is a decided change in the standard as hitherto set—an unjustifiable change in the author's opinion, "an invitation to avoidance on the part either of courts, of administrative officials, or of business men."

The extension of minimum-wage protection to men is, the author notes, not only a change in legislative policy but in the theory behind the policy. The argument for such protection for women and minors as written into the law and in the court decisions upholding the laws has usually been based upon the theory that as a class women and minors are subject to peculiar disabilities. A doubt must therefore be entertained concerning the outcome of a court test of the constitutionality of the act. The departure from prevailing state practice represented by the establishment of an absolute minimum for wage rates, revisable only upward, the author regards as indefensible from every standpoint. He characterizes it as a surprising display of economic naïveté and departure from generally accepted legislative principles.

HAZEL KYRK

UNIVERSITY OF CHICAGO

Mind Explorers. By JOHN K. WINKLER and WALTER BROMBERG, M.D. New York: Reynal & Hitchcock, Inc., 1939. Pp. 378. $3.00.

Students of human behavior in the fields of social work, psychiatry, sociology, and education will find this a fascinating account of the gradual evolution of man's present knowledge of psychology. The book has threefold interest.

1. In selecting certain men and their work through which to depict some of the momentous steps that have been taken in formulating a science the authors have given meaningful biographical sketches focused on the relation between each man's psychology and his inner self. The biographies of the early mind explorers are handled with this emphasis more than the later ones, with the stated assumption that personal history is vital in understanding the contributions of pioneers, whereas it grows less important as the science in a given field becomes more organized. From this standpoint, then, the reader will find the first nine chapters particularly interesting. Gall, Mesmer, Pinel, Tuke, Charcot, Galton, and William James are portrayed with an imaginative consideration of the men and their times. Their work emerges almost as a symptomatic response of each man's needs in relation to factors and forces inherent in the times.

2. The book is of interest also from the standpoint of content of information given about each contribution and its place in the developmental sequence of the science of psychology.

3. The student who experiences discouragement over the resistive response of various presumably enlightened groups to new ideas or formulations will get a certain historical perspective. Repeatedly throughout this account one sees the thinker emerging with a contribution, only to have it repudiated by those whom we would expect to find most receptive and best able to use the contribution in

the further advancement of knowledge. In commenting upon the works of Franz Gall, whose scientifically valid formulations on the physiology and anatomy of the nervous system degenerated for a time into the pseudoscience of phrenology, the authors state: "When a medical theory becomes the property of the uncritical masses, academic scientists lose interest. They reject it completely at the time, until later generations stumble across its basic truth and re-examine its principles. This is what happened to the craniology of Gall, for underneath phrenology there was sound neurology." This kind of response occurs time and again from Franz Gall to John B. Watson, from Philippe Pinel to Adolph Meyer, from Fredrich Mesmer to Sigmund Freud, from William Tuke to Clifford Beers, throughout each field of endeavor within the whole arena of the study and treatment of human behavior. This raises a provocative question. One wonders to what extent progress has been safeguarded through the sustaining force and pressure of the "uncritical masses."

This thoughtful informative presentation is interestingly written. Supplementary "reading suggestions" for the general reader who wishes to pursue any one stage in the development of the mental sciences from Franz Gall's work in the 1790's to the present enhances its value.

CHARLOTTE TOWLE

UNIVERSITY OF CHICAGO

Ways to Community Health Education. By IRA V. HISCOCK with the collaboration of MARY P. CONNOLLY, MARJORIE DELAVAN, RAYMOND S. PATTERSON, and WILLIAM H. F. WARTHEN. New York: Commonwealth Fund, 1939. Pp. x+306. Illustrated. $3.00.

Public education is the foundation upon which all progress in public health must rest. Not only is personal health based upon a sound understanding of the principles of hygienic living but even the regulatory and service functions of a modern health department are dependent upon an informed public opinion. We cannot expect legislative bodies to enact wise laws or to appropriate adequate funds for health work unless there is a public appreciation and understanding of the community health problems and their possible solution. The wise health officer, therefore, devotes much of his energy toward public education.

In spite of the importance of community education there has been a singular dearth of good books written for the health officer who must attack this problem. Professor Hiscock's book describing the modern educational technique is, therefore, particularly welcome. After a preliminary consideration of general principles and the group of the public that are involved, he describes the use of several educational mediums, viz., meetings, the newspaper, printed matter, the radio, exhibits, and motion pictures. In each instance he considers the proper use of this particular method, illustrating his points by samples of good publicity material, drawn largely from the New York and Baltimore experience.

He then presents four examples of community programs which combine these several educational techniques, separate chapters being devoted to programs for sanitation and safety, diphtheria, tuberculosis and syphilis, and personal hygiene. The Appendix contains suggestions as to source material, purchasing of printing, and, last but not least, suggestions as to a well-rounded community program as developed by Dr. Hugh R. Leavell in Louisville.

One cannot help wondering what reasons governed the decisions to omit a separate chapter about the personal interview as an educational method. One of the outstanding administrative developments in public health has been the broadening use of the public health nurse or social worker to carry on direct educational work within the home. In the development of his sample programs Professor Hiscock has made generous use of these workers. Such valuable educational work has been done through these workers that one might wish that a separate chapter had been given to the proper utilization of the personal interview as a part of the community program. Further attention might also have been given to procedures for education of certain professional groups whose intelligent and interested co-operation is essential for the success of most health endeavors. Finally, one might have wished that there had been an appraisal of the relative effectiveness of the several educational techniques. The health officer working with a very limited budget must decide what distribution of funds will yield the greatest return. While every program must be modified to local conditions, it would be valuable to know the experience of others as to relative values per unit expenditures.

These are but specific suggestions as to material which one may hope will be incorporated in future editions, for we are confident that future editions will quickly appear. The volume brings together such a wealth of material, even though at times presented in disappointingly general terms, that it will be received eagerly by all health officers. It deserves to be read and re-read and then kept for constant reference by all who are attempting any health-education work, which means by all health workers. The book is a valuable addition to an already distinguished list of health publications of the Commonwealth Fund.

GAYLORD W. ANDERSON, M.D.

UNIVERSITY OF MINNESOTA
MEDICAL SCHOOL

Fighting for Life. By S. JOSEPHINE BAKER. New York: Macmillan Co., 1939. Pp. 264. $2.75.

Dr. Baker has had a very full and interesting life. The story she tells of her struggles, successes, and failures is an absorbing one. She started her study of medicine because of family financial reverses which made it necessary that she earn her own living. The decision was accompanied by a storm of disapproval

from family and friends since very few people at that time (1894) were willing to accept the idea of women in medicine as anything more than the freak adventuring of a few very masculine women. Young Josephine was gay, fun loving, pretty, and very feminine, and dire failure was prophesied by her conservative friends and relatives. But they did not take account of the determination and drive that were combined with keen intellect in this protected and gay girl.

At all events Josephine Baker completed her medical training and started on a career which was shaped and molded by the prejudices to her sex which she encountered on all sides. Had she been of only average ability she might easily have succumbed to a life made possible by a small and scraggly practice, but Josephine Baker was of considerably more than average ability. From medical inspector in the public schools she rose to be assistant to the commissioner of health and finally to chief of the Bureau of Child Hygiene of New York City—a bureau which she was largely responsible for establishing as an independent bureau of the Health Department. It was the first of its kind ever to be established. As its chief Dr. Baker did a wonderful job in reducing the infant and maternal mortality rates in New York City; and her sex proved, in the long run, to be an asset because, as she herself recognized, the bureau needed publicity and the fact that the high post of director was given to a woman was a point the newspapers enjoyed playing up.

Dr. Baker became much interested in feminism. As a girl she was probably hardly aware of the feminist movement, but her work brought her in contact each day with the prejudices of the mass of people toward women who ventured from their homes. It was inevitable that the fight which began as a struggle for existence should become merged with the larger fight for all women. Like many who try to counteract a superstition, Dr. Baker swung to another extreme. Not only did she know that women were not intellectual inferiors of men but she expected that their ascendence to equal political power would herald the coming of better, cleaner, more efficient government. Dr. Baker has lived to learn that women are no better and no worse than men.

Throughout the story of Dr. Baker's career one is struck by the total lack of emotionalism. She, herself the butt of prejudice, has responded with detachment and understanding. Nowhere does she utter a scathing or emotional remark against those who interfered with her objectives. Tolerance and silence seem to have been her policy. So, too, concerning the babies her campaigns kept alive. To her there was little sentiment about a baby. She never wept about dying babies; she merely set out afresh to preserve future citizens.

Altogether, *Fighting for Life* is an interesting story of the development of the New York City Bureau of Child Hygiene and an absorbing tale of the development of one woman.

DOROTHY V. WHIPPLE, M.D.

U.S. CHILDREN'S BUREAU
WASHINGTON, D.C.

Annual Charities Register and Digest, Being a Classified Register of Charities in or Available for the Metropolis. 46th ed. London: Longmans, Green & Co., 1939. Pp. vi+532. 8*s.* 6*d.*

Herbert Fry's Royal Guide to the Principal London and Other Charities. 75th new and rev. ed. London: Churchman Pub. Co., 1939. Pp. lii+320. 2*s.*

These two convenient "annuals" have long been indispensable to those interested in the private charitable organizations of England, especially those of London. The first *Charities Register*, which appeared in 1882, was the work of a determined group of early leaders in the charity organization movement. While those who use this *Annual* would not agree with the editor that it may "fairly be called the Einstein of social service finance," they would agree that it is a very useful handbook. The long lists, however, are not lists of "approved charities." What the register furnishes is merely a list of honest but not necessarily competent charities. "As far as possible all fraudulent Institutions and Societies have been excluded" from the *Charities Register and Digest* but including an "Institution in the Register, or in the advertising pages" does not mean that it is given a general recommendation. "Of the comparative utility of Institutions the reader must be his own judge" (p. iii).

The editor thinks that every citizen may, by means of the *Register*, "see his own gift, however small, however great, in relation (*a*) to the whole range of services to be financed, (*b*) to the other expenditures required in this field, and (*c*) in relation to (1) his own total resources, (2) the total resources of the community."

In *Fry's Royal Guide* the purpose or field of each charity is given in tabulated form alphabetically arranged, although only a very brief description of each charity is given. The *Guide* now marking the year of its seventy-fifth appearance appeals to those who use it to beware of fraudulent efforts to collect funds dishonestly from the charitable. "The great need still exists for careful investigation of all direct appeals for any hospital, home, or charity which is not well vouched for." The public is warned that in all such cases a copy of the last report and statement of accounts should be promptly requested.

The Home Office is again urged to act on the lines of its own Departmental Committee's Report and exercise stricter control of all collecting charities and door-to-door collecting, street singing or begging. This is a social scandal and an evil which will not be stopped unless and until all persons soliciting alms and subscriptions of every kind are required to be registered personally or vouched by the Society, Hospital or Institution which is itself Approved and Registered and holds either a Royal Charter or is properly Incorporated. It should be incumbent on all to render a proper statement of accounts, showing all Funds received, the percentage cost of collections, and these accounts to be accompanied with the Report for the year signed and vouched in such manner as the Department may require.

The author of the *Guide* thinks that legislation along these lines is "definitely required, and should be directed to the prevention of fraud and the control of the growing nuisance of quasi-charitable house-to-house collections."

The editor believes that the *Guide* may be

> accepted with every confidence by the generous benefactor that it records not only the work but the worthiness and needs of the Institution for generous support either by Annual Subscription, Donation or Legacy. It is a regrettable fact that such *a Guide is necessary to ensure that only the genuinely deserving shall receive the financial support and aid on which Charitable work depends.*

E. A.

Introduction to the Study of Public Administration. By LEONARD D. WHITE. Rev. ed. New York: Macmillan Co., 1939. Pp. xiii+611. $4.00.

To readers of the *Social Service Review* one sentence from Dr. White's Preface to the revised edition of his pioneer volume *Introduction to the Study of Public Administration* is particularly important. It reads:

> The principal assumptions which underlay the first edition: that administration is a process which can best be treated as such without separate study of federal, state or municipal administration; and that central management operations (such as personnel) can be dealt with apart from major substantive operations (such as police or health) also underlie this edition.

The new book, like its predecessor, is concerned primarily with overhead management, administrative control agencies, and the common auxiliary services found in the administrative branch of government. These subjects are presented primarily from the standpoint of overhead control. In accordance with the assumptions, little is included on the administration of the line agencies concerned with carrying on a particular function of government such as social welfare administration, and only occasionally does the writer look at overhead management, control agencies, and the auxiliary services from the standpoint of a line-operating officer responsible for rendering a particular service to the public. The book is not designed for the person in a line agency who is seeking better administration of his particular organization, rather it is for students of government or political science who are mainly interested in the broad aspects of administration. For them it is not an elementary text giving simply the broad fundamentals. It is introductory in the sense that it opens up and explains the major controversial issues in those parts of the field of public administration which it covers.

Treatment of the controversial issues identifies Dr. White with the group that believes in the strong executive with a large measure of influence and control over public policy, in a high degree of centralization and integration, in a large development of specialized auxiliary and control agencies, and in the im-

portance of general administrators. He quotes with approval statements to the effect that the several states are losing their influence and effectiveness, and he approves the development of regionalism in administration and the giving of greater influence to municipalities. The social and economic planning incidental to such a program is naturally enthusiastically commended. The arguments on the other side, and the possible dangers, seem to this reviewer not to be adequately presented and considered, but it should be pointed out that the book is only an introduction and that many highly controversial subjects have to be treated in extremely brief compass to keep the book as a whole within reasonable size (611 pages, including the Index). For example, that intricate and extremely difficult subject, "The Independent Regulatory Commissions," is treated in a single chapter of thirteen pages, and an almost equally difficult one, "Judicial Control of Administrative Action," in a chapter of seventeen pages.

The chapter on "Independent Regulatory Commissions," incidentally, suggests the difficulties that arise from considering them from the standpoint of overhead administration without much reference to their major substantive operations. Here is an instance where the situation seems to call for giving great attention to the diverse substantive functions before reaching conclusions as to administration, but no one could do that in thirteen pages.

When plans were being made for the new Littauer School of Public Administration at Harvard, a long series of conferences were held with federal, state, and local government administrators. During the week I attended, the fact that impressed me most was the differences in views among experienced men from the several levels of government. Federal men rarely saw eye to eye with men from the states or the municipalities. Mentioning this fact to some of the faculty, I was told that this difference had been an outstanding characteristic of all the conferences. Dr. White combines all levels of government in such chapters as "The Chief Executive as General Manager," "Staff and Auxiliary Agencies," and "The Department," and in the part on "Fiscal Management." This arrangement tends to emphasize the similarities and again, perhaps, because of the limitations of space, to minimize the differences. It may also explain why one group accepts his conclusions while another is inclined to go only part way with him.

The new edition of this pioneer text is a welcome addition to the literature because it does outline the area staked out by the general administrators and brings together from different places the particular subjects that form the core of their interests. It does this far better than did the original edition because it has been considerably broadened in scope and the several parts are in much better balance.

LEWIS MERIAM

BROOKINGS INSTITUTION

Post-entry Training for Local Government Officers. By CHARLES WINTER. London: William Hodge & Co., Ltd., 1939. Pp. 212. 12*s.* 6*d.*

This report is based on original research on "Post-entry Training for Local Government Officers," made under the auspices of the British Institute of Public Administration. To an American reader its greatest significance is the disclosure of the marked differences between the American and the British educational systems and the nature and activities of the professional associations of government workers in the two countries. When we add to these differences the fact that we have a federal system with forty-eight different states, whereas the British have a centralized government in their tight little islands, we are inclined to question how much the average American can get from this survey, valuable as it must be for the persons for whom it was specifically intended.

The significant things to note are that most of the leaders in British local administration are professional, scientific, and technical, and that they tend to remain in their several professional and technical fields, finding their avenues for advancement not only in the service of a particular local government but also in free movement from the service of one local government to another. The special interest in post-entry training appears to be among the professional workers and to lie in the direction of increasing professional competence to meet the requirements of and secure the certificate granted on examination by the numerous professional associations.

Training for public administration outside the professional fields seems to emphasize cultural and background material. The extension diploma in public administration of the University of London is granted on passage of examinations thus described.

> The examination begins on the first Monday in July in any year, and is in six subjects. It may be taken as a whole or in two parts, Part I consisting of three compulsory subjects: (1) Public Administration, Central and Local; (2) Economics, including Public Finance; (3) Social and Political Theory; and Part II of three optional subjects, chosen from two groups and at least one being selected from each group: Group A—(1) English Constitutional Law; (2) English Economic and Social History since 1760; (3) The Constitutional History of Great Britain since 1660; and Group B—(4) Statistics; (5) The History and Principles of Local Government; (6) Social Administration.

Because of our public school system and our system of state universities, colleges of agriculture and mechanic arts, and professional schools, with their diversified curriculums and their development of short courses and extension courses, and because of the large numbers of high-school and college graduates available for our public positions, our problems of post-entry training and of in-service training are not like the British. What we have in common with them is growing recognition that public employees must have sound training for the duties which they are to perform, which are increasingly demanding scientific and technical competence, much of which must be secured after entry into the

service. Would that we might borrow from them freedom of movement from one government service to another, all the time remaining and advancing within our sphere of civilian competence.

L. M.

Women in the Community. Edited by KIRSTEN GLOERFELT-TARP. London and New York: Oxford University Press, 1939. Pp. 301. 8*s*.

In this book a group of writers—seven Danish and one Swedish, seven of them women and one a man—have presented an analysis of the women's movement in Denmark which began in 1843 with the writings of Frederika Bremer. Their fifteen papers cover various aspects of the evolution of women as they have re-entered the big outdoors of community life.

The first paper gives a sociological evaluation of the place of women in society, the emphasis being strongly cultural. The author disputes any "natural" bases for the different roles played by men and women in society, finding the causes in changing social patterns. As factories and industry developed, men went out to work and women were no longer the co-supporters of the family; man became the sole supporter, woman the mother and wife. "After the division had once taken place, it was both natural and easy for one of the sexes to retain a monopoly." The role of the woman thus changed. With low wages to male workers, women (and children) were gradually forced to the factories and mills which were taking over increasingly the tasks of the home—weaving, sewing, baking, etc. Thus the family went through another revolution and the status of women changed once again. There is a regret that the author did not point out that the changing status of women has also created a changing role for men. As women go out to compete with men successfully the man's position of supremacy falls away, and this needs to be recognized and dealt with. The effect of this on the children might also have been discussed, for a change in the role of any member of the family group inevitably affects all the others.

The various jobs that women hold are dealt with by other writers: women in domestic work, agriculture, industry, trade, and the professions. The point is made several times that women do "double work," one job being in the office or plant and the other in the home. Since there are few social workers in Denmark and no school to train advanced students in welfare studies, they are little discussed.

The last three papers deal with laws as they affect women and include some dates that are interesting by comparison to the American social worker. In 1905 the Children's Welfare Council was created as a federal children's agency but not planned for purposes of research like our own Children's Bureau. In 1922 this law was amended to take control from the national agency and to give it to the local welfare councils. The enfranchisement of women in Denmark began in 1903 with a timid act permitting women to vote and to serve on parish coun-

cils. It was gradually amended until in 1915 women were given full voting privileges. Concerning the legal position of women, the Danish wife was stripped of all control or authority over her property by the law of 1683, which was enforced until the act of 1880 permitted her to dispose of her own earnings. By the Marriage Law of 1925 men and women were given equal rights over their own property and both parents became mutually responsible for the support of their children. In 1937 a law was passed concerning the unmarried mother, whose child for the first time was given the same rights of inheritance as legitimate children if paternity has been established by law. The child is to be supported until its eighteenth birthday by both parents. In 1939 a new national act was passed to give medical and social aid to mothers which, like our Maternity and Infancy Act, is to be administered in the localities by provincial staffs who will travel about their own provinces.

The point is made several times that "special regulations for women are . . . . not called for in our time, as civilized countries ought to realize that it is the dangers with the work that ought to be made away with, irrespective of whether these dangers threaten women or men." Danish legislation seems to have kept pace with this idea, for it has few laws to protect women only. American legislators are still rather falsely chivalrous in this respect. The book is well translated, though no translator's name is mentioned. It is amusingly illustrated with pen-and-ink sketches and is evidently planned for popular reading.

EDA HOUWINK

UNIVERSITY OF CHICAGO

Juvenile Delinquency in Massachusetts as a Public Responsibility. Boston: Massachusetts Child Council, 1939. Pp. xii+196. $0.50.

The Glueck's *One Thousand Juvenile Delinquents* has been provocative of much discussion. In Boston, Dr. Glueck presented a general summary of the publication to a "representative group of impartial people, numbering nearly one hundred," who, for a period of two hours each Tuesday for ten weeks carefully examined the findings and recommendations in relation to Massachusetts. This led to a request of the Massachusetts Child Council, an organization incorporated for the promotion of child welfare, that a civic body organize and carry through a study of the whole situation of juvenile delinquency. The Child Council, acting through a steering or general committee, formulated six groups, including Foster Home Placement or Delinquent Children, Legal Aspects of Delinquency, Provisions for Mentally Handicapped Delinquents, Clinical Organization and Service, Responsibility of the Schools in Relation to Delinquency, Institutional Treatment of Juvenile Delinquents. Each group is composed of members with interest in the topic assignment of the group. *Juvenile Delinquency in Massachusetts as a Public Responsibility* presents the report of

the 161 men and women working in the six groups. (Appendix A, "Personnel of the Committees," lists the names of the 161 participants and reads as a listing of "Who's Who" in the respective fields.) The report devotes one chapter to each one of the committee-group reports. One chapter describes the work of a neighborhood child welfare demonstration which was carried on for a period of two and a half years as a W.P.A. project in operation at the time of this survey. The final chapter is a summary with possible outcomes if the aim of the study—"not what it will do, not what it is likely to do, but what a civilized commonwealth should do, and can do, to reduce delinquency and its fruition into crime"—is to be accomplished.

Other appendixes deal with statistical material by court jurisdictions for the state for the year 1937; a table showing the number of delinquent children before the municipal and district courts, the Boston Juvenile Court, and before trial justices by counties of the state of Massachusetts for the ten-year period 1928–37; a comparison of delinquency laws and practices according to approved standards, Massachusetts law and the laws of other states, and the laws of foreign countries.

The committee points out that "it is commonplace to be proud of Massachusetts, of her past leadership, and the established order." Each group in the chapter covering its topic presents a picture of the community lagging even in those areas in which Massachusetts was once first, i.e., "Probation as a feature of the courts, originated in Massachusetts by the legislative act of 1878. . . . . In the District Courts of Massachusetts, all of them with juvenile jurisdiction and with judges empowered to appoint special probation officers for juveniles, only a minority have taken this step. Out of 73 courts having this primary jurisdiction, only 11 have such officers."

In the chapter "Legal Aspects of Juvenile Delinquency" the group presents the historical background of the juvenile court movement, citing the publications of the United States Children's Bureau, *Juvenile Court Standards*, and referring in footnotes to much of the literature in this field. The existing situation in Massachusetts which is set forth gives emphasis to the need to revise the statute to eliminate criminal procedure and terminology, to establish separate courts presided over by persons with special qualifications and training in child welfare, to insure appointment of probation officers with "special training and demonstrated skill," and to provide for continuity of service through commitment where commitment becomes necessary—to a board instead of an institution.

"Institutional Treatment of Juvenile Delinquents" describes the institutions in the state, giving the historical background of each. The group deplores that existing policies still reflect the punitive attitude. Though truant schools were outmoded when truancy was accepted as a symptom of a condition, four of the nine original truancy schools continue in existence. A plan is presented for the

revamping of the entire institutional program whereby the present physical set-up could be reorganized to provide treatment according to the problem rather than specialization of the institution program according to age alone. In agreement with the group dealing with "Legal Aspects," it is recommended that within the division of Juvenile Training of the Department of Public Welfare there be established a treatment board to have jurisdiction over commitment and parole to insure continuity.

In dealing with the "Foster Home and the Delinquent," the plan of presenting historical material, together with existing Massachusetts practices, is followed. Considerable attention is given to the question of temporary detention for the purpose of insuring court appearance with recommendation made that the law be changed to forbid the holding of "children under sixteen in jails." In the discussion of both "Foster Home Placement versus Institution Commitment" and "Problems of Foster Home Care," which comprise the remainder of this chapter, while one finds statement of basic truths such as "before a child is committed to an institution, every effort should be made to explore community resources for his care" or "children's problems cannot be considered apart from the family group to which the child must return," it would seem that much of the confusion and overlapping of efforts dealt with arise out of the existing inadequate juvenile court legislation. The group recommends the need for an extensive study into the practices of the state and private agencies dealing in placement to be carried on by such an agency as the Children's Bureau.

In "Clinical Organization and Service" the historical development of the clinic for the discovery and treatment of behavior disorders in children is developed and then follows a presentation of the clinic facilities of the state of Massachusetts. The group recognizes that the clinic should be at the service of the home, school, and children's agencies, as well as the court. Therefore, its location should be considered from the point of view of community acceptance, namely, at a place where the public is accustomed to come for help.

In addition to covering very completely the development of, and existing "Provisions for Mentally Handicapped Children," this group lends its approval to institutional changes recommended elsewhere and adds that the Department for Defective Delinquents should be transferred from the Department of Corrections to the Department of Health.

In the "Responsibility of the Schools in Relation to Delinquency" it is made clear that the school is the key position in the "prevention of unacceptable behavior." For the school to serve the "whole child" to the extent of the school's possibilities "careful revision of school curriculum, flexible curriculum requirements for individual children and smaller classes than are now the rule are suggested." The necessity for change in emphasis in teacher-training, provision for clinical services, personnel with social service training, and adequate provision for special class instruction for backward children are specifically recommended.

To illustrate the trend of the schools to modify the strictly academic work for boys and girls who find it difficult to keep up, the group cites the situation in one city in which during the last five years "in grades 9 through 12, a total of 30 new courses, largely in the fields of social science and the fine and practical arts have been added." It should be recognized that such reorganization to be of benefit in the prevention of juvenile delinquency needs to begin at Grade IV or V rather than Grade IX.

This report presents to the people of Massachusetts historical background, existing conditions, and the conservative consensus of opinion of the survey group as to changes that the state needs to make to meet its responsibility in the field of juvenile delinquency. To this study is attributed the legislative enactment of 1939 providing for a state commission for the study of the needs for effecting public dealing with juvenile delinquency.

FAY L. BENTLEY

JUVENILE COURT OF THE DISTRICT
OF COLUMBIA

Handbook of American Institutions for Delinquent Juveniles, Vol. I: *West North Central States, 1938*. Edited by WILLIAM B. COX and F. LOVELL BIXBY. New York: Osborne Assoc., 1938. Pp. xiii+431. $1.25.

This comprehensive report, describing thirteen institutions in seven states, is the first of a series planned by the Osborne Association. Earlier reliable studies of selected training schools for delinquents, including those conducted in 1935 by the United States Children's Bureau, had pointed the way to an objective survey of all federal and state training schools and to their evaluation in terms of modern standards. The Osborne Association, urged to make the survey because of its long experience in research concerning correctional institutions for adults, adopted for study purposes a division of the United States into nine geographical areas. The present volume covers the West North Central Region and contains the findings for three institutions in Missouri; two each in Iowa, Kansas, Minnesota, and Nebraska; one in North Dakota; and one in South Dakota; as well as specific recommendations for the improvement of unsatisfactory conditions. Each institution was studied with reference to its history and legal provisions, administration, personnel, grounds and buildings, housing and home life, dietary and clothing provisions, reception and classification, education, library facilities, psychiatric and psychological services, social service, discipline, religious activities, release procedures, fiscal details, and population. The report of each school was submitted to the appropriate institutional and state officials for examinaton and comment. Excerpts from replies received are published as footnotes or in the summary at the end of the related section.

A wide variation was found in the degree to which the thirteen institutions

met accepted standards, but the general picture was decidedly unfavorable. No institution excelled in all respects, and most of them were so seriously deficient as to render virtually impossible the effective re-education and readjustment of the children committed to their care, although the laws under which they were established provided for training and rehabilitation rather than punishment and revenge. In one state commitments were in the form of definite sentences. Six schools fingerprinted the children in the manner of adult offenders. Centralized control over the institutions was maintained by a state department, but political domination was prevalent and often resulted in the appointment of unqualified personnel, in frequent turnover of staff, and in the toleration of physical plants actually dangerous to the health and safety of the children. The almost total absence of social service within the institutions or readily available to them in itself explains the fact that admission procedures, classification, and parole planning left much to be desired. Medical, psychiatric, and psychological services were inadequate and seldom used to real advantage in planning and revising individualized treatment within the schools. Education was usually stereotyped and failed to give full consideration to individual needs, abilities, and limitations. Constructive vocational training was subordinated to maintenance requirements. The fullest possibilities of recreation were being overlooked. Corporal punishment was still in evidence, and alternative disciplinary measures in some institutions clearly showed that the boys and girls were regarded as juvenile criminals requiring repression and subjection rather than as children in need of special care and assistance. A number of institutions based parole upon the accumulation of credits, while others emphasized completion of a definite period of residence. None appeared to relate all paroles to comprehensive knowledge of the child and his readiness for release, to suitability of the home and community, and to the availability of adequate and competent post-release supervision.

With an occasional refreshing exception, these were the conditions found in the West North Central states. As other areas are surveyed, both better and worse institutions undoubtedly will be found. It is encouraging to note that the constructive purposes of this frank and objective study and report seemed to be appreciated by many institutional and other state officials. Co-operation was accorded the investigators during the visit to each institution. Certain of the superintendents were eager for suggestions, and subsequent correspondence indicated that many improvements were effected or contemplated between the time of the visits and publication of the report. Acceptance of the findings ranged from the enthusiastic comment of one governor that he was using the information as a means of arousing public opinion and legislative interest to complete rejection by one institutional superintendent as "gross misrepresentation." The superintendents can do much to strengthen their programs by following some of the suggestions offered, but until the citizens of each state de-

mand qualified personnel, reasonable security of tenure, adequate appropriations, and freedom from political intrusion, improvements will continue to be tentative and to rest upon weak foundations. Social workers will await with interest the Osborne Association's reports of institutions in other areas.

RICHARD EDDY

UNIVERSITY OF CHICAGO

Parole with Honor. By WILBUR LA ROE, JR. Princeton: Princeton University Press, 1939. Pp. v+295. $3.00.

This book has the distinction of being the first full-sized book on parole as administered today. Other books, notably those of Sheldon and Eleanor Glueck, have dealt with special phases of parole, such as careers of persons released on parole. There is also, of course, a substantial literature of magazine and newspaper articles, chapters in textbooks on criminology and penology, conference papers, reports by parole agencies and legislative committees, and, recently, the volumes of the Attorney-General's *Survey of Release Procedures*. The latter contain the most comprehensive analysis of statutory provisions and administrative practice relating to parole so far made. This is the first book commercially published and undertaking to give a general exposition of parole that has come to the reviewer's attention. It fills, therefore, an interesting gap in the literature dealing with the treatment of offenders.

Mr. La Roe has apparently written mainly for the general public. He has written primarily as an executive, also, rather than from the case worker's point of view. This is natural since he is chairman of the Board of Indeterminate Sentence and Parole of the District of Columbia—an unpaid board. He correctly presents parole as a continuation of treatment after an offender has left a correctional institution and not merely as a shortening of an offender's term or as a form of clemency. He emphasizes its protection to society as the only method of release providing supervision, control, assistance, and re-education after the offender has re-entered the community. Since this is true, the question is not *who* shall be paroled but *when* and *how* shall persons be paroled, provided available precautions are taken not to release offenders clearly dangerous. Mr. La Roe is aware that neither scientists, legislators, penologists, judges, social workers, nor the public has found a satisfactory answer to the disposition of persistent and incorrigible criminals.

Among the subjects dealt with are preparation for parole in prisons, factors taken into account in releasing prisoners, parole hearings, conditions imposed on persons paroled, attitude of the community toward the released prisoner, the difficulties of finding work for "jailbirds" and "ex-convicts," the parole violator, and the future of parole. Some chapter titles are "Is It Sentimentality?," "Is Ten Dollars Enough?," "The Social Background," and "The Judge

on the Bench." Defects in the administration of parole in many jurisdictions are recognized, including influence by partisan politics and case loads of parole officers too large for successful work.

The book is progressive in tone and judicial in spirit. Mr. La Roe is somewhat rigid in his conceptions of administrative form and setup, as evidenced by his preoccupation with the central itinerant board which goes from institution to institution and decides what prisoners are prepared for release. He also essays a risky, though useful, venture when, in an appendix, he embarks upon both a factual and an editorial summary of statute and practice in each state. Some of the errors of the Attorney-General's *Survey of Release Procedures* are here repeated, and Mr. La Roe's own comment, though offered with the best intentions, is based somewhat too much upon reading and not enough upon observation of the practice discussed. No consideration is given to the efforts to establish tables of predictability or prognostic devices by which parole authorities and others can predict the outcomes of criminal careers. If Mr. La Roe's acquaintance with the scientific approach to human behavior and with research concerning causes of delinquency appears to be somewhat deficient, this is in line with his lawyer's training and with the absence from the book of detailed case material. The volume will certainly be educational to many of its lay readers.

WINTHROP D. LANE

BALTIMORE, MD.

John Howard (1726–1790) Hospital and Prison Reformer: A Bibliography. By LEONA BAUMGARTNER. Baltimore: Johns Hopkins Press, 1939. Pp. 79. $1.00.

Two great pieces of social investigation were undertaken in the last quarter of the eighteenth century. The first edition of John Howard's *State of the Prisons* was published in 1777 at Warrington; and twenty years later Sir Frederick Morton Eden's *The State of the Poor*, which the economist M'Culloch described as "the grand storehouse" of information about the poor law, appeared in London. Aside from the account in the *Dictionary of National Biography*, almost nothing has been written about Sir Frederick, and his three-volume survey is a rarity which, when it does occasionally appear in the booksellers' catalogues, commands a price that few students of English philanthropy can afford to pay. On the other hand, there have been numerous biographies of Howard, and copies of his most famous work, several editions of which were published during his lifetime, are comparatively common and reasonably priced.

Dr. Baumgartner has performed a valuable service in compiling an authoritative and scholarly bibliography of his writings. Most readers will be surprised to discover the wealth of biographical and critical material that has appeared and will welcome the full notes that the author has appended to each item. In a

general appraisal of the Howard biographies it is said that the James Baldwin Brown *Memoirs of the Public and Private Life of John Howard, the Philanthropist* (published in 1818) "still remains an indispensable book for any student of Howard" since it makes full use of diaries, letters, and other sources of importance; however, since this work suffers from having no index, the account by E. C. S. Gibson, *John Howard* (1901), is recommended as "the most useful and authoritative modern account."

Special mention should be made of the Introduction written by Arnold Muirhead, a student of Howard and donor of the A. M. Muirhead Collection of Howardiana to the Yale Medical School. Here in a few pages is a brief but excellent history of Howard's life and contribution to social welfare and an interesting general bibliographical note.

JAMES BROWN

UNIVERSITY OF CHICAGO

BRIEF NOTICES

Familial Feeblemindedness. By CLARA HARRISON TOWN. Buffalo, N.Y.: Foster & Stewart, 1939. Pp. 97.

Social workers will find nothing new in this treatise on family life among the feeble-minded. Motivated by concern over the fact that each of the 141 families known to the psychological clinic of the Children's Aid Society, Buffalo, numbered among its members two or more feeble-minded persons, the agency staff determined to study each family with a view to revealing the social implications of which they were becoming aware through the manifold problems which these families presented. Since the data compiled were not collected primarily for research but were assembled in the process of serving the child or his family, the studies do not include a psychological examination of every member. Every person reported as feeble-minded, however, had been so diagnosed by that clinic or by some competent examiner. The study does not attempt to gauge the extent of feeble-mindedness so much as to show the kind of social complexities which emerge from family life in which there is a high incidence of feeble-mindedness. Social workers are familiar with the resultant pictures. They have seen the same complexities also emerging from families in which there has been no feeble-mindedness. Perhaps herein lies one of the reasons why social workers have not found as simple a solution as has the author.

The findings show that the total number of feeble-minded persons listed for the 141 families is 398. In addition to these 398 feeble-minded persons, 180 additional persons were diagnosed as borderline, retarded, or normal. The tabulated case studies show a high incidence of speech defects; "apparent feeble-mindedness" (undetermined because not tested); infant mortality; marriages broken through desertion or causes other than death; poor housekeeping; probation; malnutrition; tuberculosis; illegitimate maternity; sexual irregularities, including incest relationships, alcoholism, delinquency; and crime as evidenced in reformatory, penitentiary, or jail terms served by various members. The concluding chapter comments on the cost of these families to the com-

munity, through expenditures by welfare, health, and relief agencies, courts, prisons, and special schools. Emphasis is placed also on the needless human misery engendered through permitting the feeble-minded to enter into family life. After discussing some of the limitations of present state institutional care, the author recommends the establishment of permanent and continuous supervision. This, she believes, could be accomplished through a satisfactory work program supplemented by residence units for those individuals whose relatives could not care for them during non-working hours. This study gives a graphic picture of the social ills within this group. The author's solution is oversimplified and does not take into account the complexity either of the problem or of the proposed remedy.

C. T.

A Preliminary Report on Living, Working, and Health, Conditions in the Tri-state Mining Area. Edited by ANNE C. COUCH. New York: Tri-state Survey Committee, Inc., 100 Fifth Ave., 1939. Processed. Pp. 36.

The so-called Tri-state Mining Area comprises Cherokee County, Kansas; Jasper County, Missouri; and Ottawa County, Oklahoma. It is the heart of an ore-mining industry largely owned and operated by an Ohio corporation—the Eagle-Picher Lead Company and its subsidiaries.

This highly interesting *Report* of conditions in the tri-state region is based on material collected by a field study of several months' duration in the spring of 1939 by a worker and photographer sent in by the National Committee for People's Rights—nothing further is said about this Committee nor about how funds for the study were obtained—and an analysis of previously published material. Among the more important earlier studies utilized in the *Report* are those of the United States Bureau of Mines, beginning as early as 1914, and those of the State Health Department of Kansas, both of which agencies have been interested in silicosis control in the region.

The substance of the *Report* is organized in three chapters: one covering "Community Life," another the development and present status of the ore industry in the region, and a third on silicosis. The latter is a serious indictment of health and labor legislation and administration, particularly in Oklahoma, wherein now lies the bulk of mining operations.

While the facts brought out in the study are not new to social workers in the three states concerned, they should be grateful for this sympathetic composite picture of the whole area. Miserable housing, unfavorable working conditions, the frightful incidence of silicosis and tuberculosis as well as the woeful inadequacy of hospital and health facilities are an old familiar story. This reviewer remembers that Ottawa County, Oklahoma, was one of the worst "problem areas" in the administration of relief from the inception of the F.E.R.A. program in Oklahoma. Through periods of depression in the zinc and lead industries and the strike of 1935 the always inadequate relief funds in this county have been taxed to exhaustion. This area, which was virtually a stranded industrial community until the outbreak of the present war, has fed many families into the stream of transients seeking homes or health in other states.

Kansas has singled out Cherokee County and Oklahoma its Ottawa County as "areas of special need," and there have established child welfare demonstrations under the Social Security program. Some months ago the Child Welfare Division of the Kansas Department of Social Security called a Tri-state Conference of social workers to

discuss common problems in the region. It is unfortunate that no mention is made of these activities in the *Report* and that use was not made of some of the highly significant information already in the files of state and local welfare agencies.

Interesting appendixes contain a discussion of trade-unionism in the area, a number of case stories, and some quotations from various persons interviewed by the field worker. The entire *Report* is effectively written. Photography is skilful and without exaggeration. It should be highly useful in creating public interest in the problems discussed and in stimulating the health, labor, and welfare departments concerned to a concerted effort toward making possible a more adequate standard of health and decency in this area of mass destitution.

GRACE A. BROWNING

Penn' Orth of Chips. By CHARLES S. Segal. With an Introductory Note by DR. CYRIL BURT. London: Victor Gollancz, 1939. Pp. 128. *3s. 6d.*

The author of this volume, a schoolmaster for twenty years in the poverty-stricken areas of London, spent eight of these years teaching classes of so-called "backward" boys. This experience led him to suspect a causal relationship between retardation and extreme poverty. He undertook this investigation, on a very limited scale, to find out whether his hypothesis could be proved. He obtained data relative to twenty-six backward boys in one junior school. A case can be made, of course, for the merits of an intensive study of a small group of individuals as contrasted with investigations that gather statistics by the thousand with only an hour or two spent on each case. But most readers will agree with Dr. Cyril Burt's statement in the Introductory Note that ". . . . to make these probable inferences more certain still, we urgently need a number of similar investigations upon similar groups all over London, and, indeed, all over the country."

Unfortunately, the material in the book is not well organized. The author quotes extensively from other investigators and summarizes the recommendations made by numerous experts in such fields as nutrition, child development, psychology, and education. As a result his own material does not stand in clear relief. Considerable recombing of the pages is necessary in order to evaluate his own personal contribution. The study convinced him that retardation is to a marked degree the result of extreme poverty. No doubt this is true. He has not succeeded, however, in so marshaling his facts that the reader is led inescapably to the same conclusion.

In an interesting chapter on school feedings the author, who has passionate convictions on this subject, holds that "if a child's nutritional condition is capable of being improved, it follows logically that its nutrition is defective." He thinks the "poor law atmosphere" still pervades the school feeding system. He wants some sharp improvements, with "bright, warm, and cheerful" dining-halls and with tables "laid with knives, forks, spoons, and tumblers of water." He believes that great improvements are possible without new legislation if local authorities will go as far as the existing acts and regulations permit.

One interesting observation relates to inspection of children in uniformly poor areas. In such areas there is a danger that the "average" may come to represent the "normal" to the observer, whether he be teacher, doctor, nurse, or parent. To obviate this the author suggests that nurses and doctors be moved about periodically from poor to wealthy districts. This would give an optimum standard for all children.

WAYNE MCMILLEN

Economics for Consumers. By LELAND J. GORDON. New York: American Book Co., 1939. Pp. x+638. $3.00.

Strictly speaking, the title of this book is something of a misnomer. Price is one of the consumer's major economic problems and the pricing process the economists' major preoccupation, yet no space is given to a discussion of the forces determining price, or of the manifold ways by which prices are held above the necessary level in our market. Another basic problem of consumers—how to secure the production of what they want—is discussed, however. The author has divided his book into three parts. The subject of Part I is "Do Consumers Control Production?" and of Part II, "Restrictions on Consumer Control." But again the author discusses not only restrictions that are economic in nature but those imposed by custom, convention, fashion, and the opinion of others.

A third problem of consumers is ascertaining the quantity and qualities of market offerings. This problem is ably and extensively discussed. Part III, entitled "Making Consumer Control Effective," occupies over half the book. Here are chapters on budgeting, the principles of intelligent buying, co-operative buying, quality standards needed, producer and governmental aids to consumers, and legislative protection. There are also four chapters on buying insurance, buying shelter, and buying investments.

HAZEL KYRK

UNIVERSITY OF CHICAGO

Social Problems and Social Welfare. By WALTER GREENWOOD BEACH and EDWARD EVERETT WALKER. New York: Charles Scribner's Sons, 1937. Pp. 421. $3.00.

The unifying theme of this book is social change. The authors state that they have attempted to set forth, in language that is clear to beginning students, an explanation of the processes of change now modifying our society and the maladjustments which arise as a result. It is the opinion of the reviewer that the authors have written a readable, thought-provoking textbook for undergraduate students. Consideration is given to five topics: "Group Life in Its American Aspect," "Population Change and Social Reorganization," "Health and Welfare under Changing Conditions," "Depressed Groups and Social Struggle," "Human Values and Social Reconstruction."

F. M. WARNER

CONNECTICUT COLLEGE FOR WOMEN

A Survey of the Social Services in the Oxford District, Vol. I: *Economics and Government of a Changing Area.* Oxford: Oxford University Press, 1938. Pp. xii+379. $5.00.

This is the first of three volumes devoted to a survey of the social services, both statutory and voluntary, in Oxford and the adjacent area. In the two decades since the last war industry has been "rapidly laying her heavy hands not only on a part of rural England which has remained almost unchanged for many centuries, but also upon one of the fairest of European cities." The object of the present survey is to study the social consequences of the remarkable industrial immigration which has taken place and the administrative adjustments which have been made to meet the new economic conditions.

The planning and co-ordination of the research has been in the hands of a special committee of Barnett House (a university center for social research named in honor of Canon Barnett) and the survey made possible by a grant from the Rockefeller grant for the development of social studies. This first volume consists of reports on the economic tendencies of the district and of the existing administrative structure—each chapter signed by the individual responsible for the research. With two exceptions the contributors have been drafted from the faculty of the university itself.

For American readers the chapter "Structure of Local Government" by C. W. H. Sutton should be of special interest. Despite successive local government acts there still remains a confusing variety of local authorities, frequently with overlapping jurisdictions. In addition to the larger units (the various county, rural district, municipal, and borough authorities), all of which are represented in the Oxford district, the parish survives as an agency of varying importance—in some places having nothing more strenuous to do than care for the village clock, although in others having responsibility for the public water supply and certain sanitary services. Even the immemorial division of the hundred "still has a shadowy existence for licensing purposes!" This patchwork of local authorities obviously needs some "streamlining" if it is to meet efficiently the increased demands imposed by the new conditions.

A second volume of the survey will deal with the structure and administration of the individual social services of the district.

J. B.

The Swiss Federal Criminal Code of December 21, 1937. Translation and Introduction by WALTER FRIEDLANDER and W. ABRAHAM GOLDBERG. Supplement to the *Journal of Criminal Law and Criminology*, including the *American Journal of Police Science*, Vol. XXX, No. 1 (May–June, 1939). Published for the American Institute of Criminal Law and Criminology by the Northwestern University Press, Chicago.

The *Journal of Criminal Law and Criminology* has made available in English the Swiss Federal Criminal Code which becomes effective at the beginning of 1942. The translators, Dr. Friedlander and Mr. Goldberg, are both familiar with other foreign systems and with American criminal law. They have likewise supplied an extended Introduction in which they call attention to the most interesting features of this proposed code.

These "most interesting features" are perhaps the treatment of children and young persons, the wide discretion of judges with reference to the sentence to be imposed, the use of probation, the consideration given offenders including payment of wages to prisoners, the provision for aid to the victim of an offense, the authorization of co-operative undertakings by the cantons, the provision for federal subsidies to the separate cantons, and the joint action of the cantons and the federal administration to the extent of federal participation in the cost. The opening sections declare that there can be no punishment unless there is a law to be violated and no punishment where there is no guilt. The death penalty, which has been rarely applied but is still possible in some cantons, is to be wholly abolished when this code goes into effect.

Dr. Friedlander and Mr. Goldberg have given the reader an interesting account of the development of the federal as over against the cantonal point of view so that the study is interesting to the student of constitutional development as well as the student of criminal procedures.

Government of Cities in the United States. By HAROLD ZINK. New York: Macmillan Co., 1939. Pp. 636. $3.50.

Professor Zink of De Pauw University has written this new textbook on city government in the belief that certain recent developments in the field of municipal government and administration require interpretation and a considerable redistribution of emphasis in the treatment of old and familiar questions. No student of political science will disagree with him, and certainly his work is thoroughly modern and up to date. It is heartily recommended.

The subjects, treated by Professor Zink with more candor than one finds in the average textbook, include the city-manager form of government, corruption and graft, police protection of vice and crime, housing and planning, utility regulation versus municipal ownership, machine politics and bossism. No problem is shirked by the author, and no existing evil in municipal government is ignored.

Professor Zink's remarks on civic reformers are somewhat strange and superficial. The role of city clubs, anti-crime organizations, civil service leagues, and other civic bodies in exposing and combating bad government and promoting improvements is not sufficiently recognized. Municipal progress—like social progress—is "a retail job," to paraphrase Professor John Dewey. Abuses do not correct themselves; and, if good citizens do not organize and work for sound reforms, the electorate will remain indifferent, and the selfish and unprincipled politicians will continue to plunder the cities and license predatory interests to exploit the helpless and bewildered communities.

CHICAGO, ILLINOIS — VICTOR S. YARROS

Seven Lean Years. By T. J. WOOFTER, JR., and ELLEN WINSTON. Chapel Hill: University of North Carolina Press, 1939. Pp. xi+187. $1.50.

The primary objective of the authors of this book is "to give consideration to rural problems in terms of *human* elements as well as in terms of production, prices, and markets." They emphasize the point that as members of the staff of the Division of Research of the Federal Emergency Relief Administration and later of the Works Progress Administration they have been associated with agencies primarily interested in people rather than in land or commodities.

Within the covers of their carefully documented book the authors have packed much of the most significant material gleaned in a series of technical studies of various aspects of the rural situation, previously published as research monographs by the W.P.A.

Several chapters are devoted to a discussion of the long-time economic causes underlying the great distress of the seven-year period from 1931 through 1937. Also discussed are the relationships of dependency in rural areas to the lack of educational opportunities, to health hazards, to family disorganization, and to disadvantages in land tenure. Brief, factual, and wholly unemotional case stories from the files of the W.P.A. and the F.E.R.A. are used to illustrate the ways in which poverty has resulted from certain causes and the varied response of different families to help given.

Past and current federal emergency measures for the relief of rural distress are reviewed and appraised briefly. The need for stable long-time planning with a view to prevention is stressed. Measures suggested include crop control, co-operative farming experiments, farm price adjustment, population policy, land-use planning, soil conservation, consideration for the problem of tenancy, and a program of rural housing.

Brief mention is made here and there of poverty brought about or complicated by

personal problems, and it is pointed out that the rural public assistance load in November, 1937, exclusive of Farm Security loan cases, was distributed as follows: W.P.A., 40 per cent; Farm Security Grants, 6 per cent; Aid to the Aged, to the Blind, and to Dependent Children, 39 per cent; and state and local general relief, 15 per cent. The authors, however, do not dwell at length on measures needed to cope with dependency brought about through causes other than the economic adjustments in agriculture and rural industries. They do suggest briefly the need of improved educational, health, and welfare services in rural areas through increased equalization of funds derived from taxation.

The chief contribution of this book lies not in its originality of thought but in its incisive analysis and sympathetic portrayal of the results of the long agricultural and industrial depressions in terms of human misery. It presents an impressive composite picture of a problem heretofore discussed piecemeal and will, therefore, be extremely useful to the social worker in rural areas.

GRACE A. BROWNING

Juvenile Court Laws of the United States. By GILBERT COSULICH. New York: National Probation Assoc., 1939. Pp. vi+175. $1.25 (special price to members of the National Probation Assoc., $1.00).

This is a second edition of the convenient summary of juvenile court laws first published in 1933 by the National Probation Association. In addition to bringing up to date the topical analysis of the earlier edition a new section has been included which consists of state-by-state summaries. In a work designed primarily as a reference volume it is disappointing to find the statute references grouped together in an appendix rather than appearing as footnotes to each page. This concession to printing costs detracts considerably from the book's usefulness.

England: Before and after Wesley. By J. WESLEY BREADY. New York: Harper & Bros., 1938. Pp. 463. $3.50.

Dr. Bready has made a survey of eighteenth-century social development in England and come to the conclusion that the evangelical revival led by John Wesley was the great watershed and that "the positive impact of the French Revolution and its philosophy upon British and American developments has been vastly over-rated, or unduly taken for granted." That is, he is inclined to regard the important reforms of the last quarter of this century and the early part of the nineteenth as "much more a spiritual than a political or an economic achievement."

The author deals competently with persons and movements which are of interest to students of social welfare. The work of John Howard and Elizabeth Fry in humanizing the prison system, Jonas Hanway's efforts in behalf of the parish children, Wilberforce's attack on slave-trading, and Shaftesbury's leadership in securing factory legislation are just a few of the reforms which are covered. It was this reviewer's impression, however, that to interpret the contributions of each of these exclusively in terms of the "purging baptism by Fire" was imposing a heavy strain on the Methodist revival and that to lump together such later reformers as Keir Hardie, General Booth, Florence Nightingale, and President Wilson as the spiritual progeny of John Wesley was, if not a mistake, at least painting with very broad strokes.

J. B.

REVIEWS OF GOVERNMENT REPORTS AND PUBLIC DOCUMENTS

Annual Report on Child Welfare, for the Third Session of the Advisory Committee on Social Questions, Child Welfare Information Centre, League of Nations. Official No. C.91.M.50.1939.IV (C.Q.S./P.E./C.I.106). New York: Columbia University Press, 1939. Pp. 201. $1.00.

Established in 1933 by the League of Nations to provide a world documentation center to facilitate the exchange of information relating to child welfare, the Child Welfare Information Centre has issued the third of a series of similar reports. As in the past, this volume contains the reports furnished to the League by governments and articles prepared by the secretariat from documents and reports similarly supplied. Data regarding legislation and administrative developments are based on information supplied for thirty countries for the year ending June 19, 1939. Of special interest are the report of China which was prepared from original sources and includes a survey of legislative and administrative action and a description of the work under private auspices in the field of child welfare; the brief report of recent federal legislation in Switzerland which provides a uniform penal code for all cantons and establishes three distinct categories as the basis of care and protection, i.e., children (6–14 years), young persons (14–18 years), and minors (18–20 years); and information regarding recent legislative provision in Denmark for children born out of wedlock. Other articles of varying length cover a wide range of subjects. They contain brief descriptive data which may serve as an index to further study rather than a means of evaluation of the legislation and administration measures and their application.

ELSA CASTENDYCK

U.S. CHILDREN'S BUREAU
WASHINGTON, D.C.

Progress of State Insurance Funds under Workmen's Compensation. By JOHN B. ANDREWS. (U.S. Division of Labor Standards Bull. 30.) Washington, D.C., 1939. Pp. 42. $0.15.

This bulletin—published in response to numerous requests from legislators, employers, and representatives of labor for information concerning the operation of state compensation funds under workmen's compensation laws—was prepared by John B. Andrews, executive secretary of the American Association for Labor Legislation, a well-known authority on labor problems. His study

was based on a quarter-century of American experience with various insurance plans for workmen's compensation, and his findings present most convincingly the advantages of a state fund, preferably of the exclusive type.

After tracing briefly the historical development of state insurance plans for workmen's compensation, Mr. Andrews discusses the growth of the state funds, their security as compared with casualty companies, and the costs of compensation under private and public auspices. Criticisms leveled at state funds are discussed as are needed improvements in the administration of these funds. The case for state funds is presented most succinctly in the last chapter.

There are at present eighteen states with state funds, of which seven have established an exclusive fund and eleven a competitive fund. Despite the fact that the competitive funds have a great many obstacles to meet, such as bad risks which private insurance companies refuse to accept and political interference with the administration of the fund, the amount of insurance written by these funds has increased enormously in the last five years. In 1933 the total amount of premiums written by the eleven funds was $18,107,658 and by 1937 had jumped to $47,904,776—an increase of 165 per cent. During the same period stock and mutual insurance companies saw an increase of 126 per cent in the amount of such premiums. Exclusive funds have also had a remarkable growth. This growth of state funds appears to indicate that employers are becoming convinced of the greater security and lower costs of these funds. Workers also benefit since they and their dependents are guaranteed complete security. "Not a dollar in compensation payments has been lost to a worker protected under any of the eighteen funds." This stands in marked contrast to the experience of private carriers, particularly stock casualty companies, among whom there have been extensive failures with resulting hardships to injured workers and their families.

Although only two states have set up state funds since 1919, it is hoped that this appraisal of Mr. Andrews will prompt further legislation along this line.

MARY ZAHROBSKY

UNIVERSITY OF CHICAGO

Second Annual Report to the Governor on the Administration of the Minnesota Unemployment Compensation Division as Co-ordinated with the Minnesota State Employment Service for the Calendar Year of 1938. St. Paul, 1939. Pp. 112.

The activities of the Minnesota Unemployment Compensation Division and the State Employment Service, which up to July 1, 1939, formed a part of the Industrial Commission, are reviewed in this *Report.* Under the Reorganization Act of 1939 the powers and duties of these two agencies were transferred to the Department of Social Security, Division of Employment and Security, one of the three administrative branches making up the department. It will be inter-

esting to see how long this administrative setup continues. The state of Washington, which experimented with a similar organization in 1937, found it necessary to create a separate Office of Unemployment Compensation and Placement in 1939.

Minnesota was one of the twenty-two states which began the payment of unemployment benefits in January, 1938. Many difficulties were confronted by the Unemployment Compensation Division when claims for benefits were first filed, so the processing of claims was greatly delayed. However, after a year's experience the director feels that "real progress has been made toward the establishment of an efficient organization for the administration of the state employment security program." During the year, 177,553 claims were filed. The average benefit check amounted to only $10.33 a week, but included in the average were not only full weekly benefit amounts, which in Minnesota, as well as in most of the states, cannot exceed $15, but also cases in which the weekly amount was reduced because the worker had other earnings, usually from odd jobs. The launching of payment of unemployment compensation also increased the work of the Employment Service. New applications filed with the Service increased 80 per cent over 1937. A short statement dealing with the special merit system that had been set up by the Unemployment Compensation Division with the help of its Advisory Council forms a part of the *Report*. With the enactment of a state civil service law in 1939 this special system was abolished, and all employees in the new division are now appointed according to uniform rules and regulations applying to all state departments.

A brief analysis of the statistical tables that appear in the Appendix and form a good half of the publication is included in the body of the *Report*. The tabulations give information as to amounts collected in contributions during the year, amount of benefits paid, number of employees reported, and their wages.

While a great deal of interesting factual material is presented in this *Report*, it gives little information about administrative procedures. It tells you what the various divisions do but not how.

M. Z.

UNIVERSITY OF CHICAGO

Land Use and Family Welfare in Pope County [Illinois]. By V. B. FIELDER and D. E. LINDSTROM. Published by the Agricultural Experiment Station, University of Illinois, in co-operation with the Division of Land Economics, Bureau of Agricultural Economics, U.S. Department of Agriculture, July, 1939. Pp. 105.

Those who believe there are no rural slums and those who think the northern states are relatively free from the substandard conditions so prevalent in sections of the rural South should read this vivid and well-documented report. In addi-

tion to the research respecting land use, conditions of family life were carefully studied. Schedules were filled out for nearly 60 per cent of the families in Pope County.

The findings are appalling. Forty-five per cent of all farm families in the county had an average gross annual income of less than $600, as compared with the state average of $2,467. In the case of 29 per cent of the families, annual gross income fell below $100. Sixteen per cent of the farms had no farm buildings. In one precinct half the farms had no teams and no tools. Many had no stock, not even chickens. Among 135 rural applicants for relief, 76 had no chickens, 98 had no hogs, 82 did not have a cow, and 88 had no horse. Most of the dwellings were in an advanced stage of dilapidation; 78 did not have a privy. About 65 per cent of all rural families in the county had no well and were obliged to use cistern water even for drinking purposes.

These conditions reap a heavy toll, as the vital statistics indicate. The tuberculosis death-rate is 70.9 per 100,000 population as compared with 41.9 in central Illinois. Diphtheria, typhoid, and pneumonia death-rates are far in excess of those in the central and northern sections of the state. The infant mortality rate is high. Yet there is only one registered physician per 2,000 population, and there is no recognized hospital within the county.

The report is ably written and contains numerous photographs and illustrative maps. Lapses in method are rare. One such occurs, however, in a table (p. 27) that distributes relief clients by occupation. It is unfair to compare the percentage who are farmers in Pope County (41.1) with the figure for the state as a whole (3.5). The inclusion of Cook County in the state figure makes the comparison meaningless. The final pages are devoted to a series of recommendations, all of which appear to be based upon very convincing evidence and upon mature and scientific analysis.

W. McM.

STATE REPORTS

Report of the Commissioner of the Arizona State Department of Social Security and Welfare, 1938–39. Phoenix, 1939. Pp. 30.

This mimeographed *Report* presents a comprehensive and integrated statement of the activities of the State Department of Security and Welfare, useful to those seeking a bird's-eye view of the administrative setup, a numerical picture of the case load with concise statements of the services rendered. There is little analysis or evaluation.

The body of the *Report* is divided into four parts: (1) "Organization; Sources of Revenue; Working Conditions"; (2) "Activities"; (3) "Revenues; Disbursements; and Balances"; (4) "Conditions Which May Affect the Operation of the Department during the Present Fiscal Year." To these twenty-six pages

are added three pages of suggestions, recommendations, and conclusions, and twenty statistical tables.

Arizona's fourteen counties are divided into four regions. The county boards of supervisors appoint the county boards of social security and welfare which are under "the direct supervision and control" of the state department and "required to perform only such duties as are prescribed by the State Board." The local political units bear only the cost of the indigent sick, contributing nothing in the way of revenue to the state department. Its main sources of state revenue are the sales and luxury taxes.

Commissioner Hill compares the average grants for old age assistance, aid to dependent children, and aid to the blind, which for June, 1939, were $26.34, $31.90, and $24.95, respectively, with the general relief grant, which for the same period was $12.54. He recommends that the legislature give special attention to this problem. He mentions that the state law specifying a thirty-dollar maximum grant for old age assistance must be amended before the state can take advantage of the amended Federal Social Security Act, but he does not recommend such an amendment to the legislature.

The *Report* asks the citizens of Arizona to consider the mounting cost of the welfare program. The commissioner urges economy but says: "The problem is not that the cost should be reduced, but it is *how* it should be reduced without causing immeasurable suffering among the citizens of the state." The *Report* would invoke more intelligent discussion, however, if it stated in a positive way the goals toward which the departments were working and the benefits to be derived from an adequate public welfare program.

Many thoughtful questions of interdepartmental and jurisdictional relationships are raised as one reads such statements as the following:

Regarding the Shady Lawn Home for the Aged the *Report* says:

> The buildings and other facilities located at the home are rented by the department from the Maricopa County Board of Supervisors. . . . . Most of the buildings are at this time in a poor state of repair, however, since the property belongs to Maricopa County . . . . it is felt that it is the obligation of the board of supervisors to repair the buildings. . . . . The sewage disposal is not entirely satisfactory, in that it empties into an open ditch a few hundred yards from the home.

Or, "During the past fiscal year the curtailment in W.P.A. activities, particularly in the operation of the sewing room projects, has effected an increase in the aid to dependent children's program." Mothers do not want to give up W.P.A. employment even though it takes them out of the home if A.D.C. grants are inadequate. The W.P.A. quota, the *Report* says, has never been commensurate with the needs of the "employable" group, and general relief has been confined to "unemployables." "Employable persons were not given such relief unless it appeared that there was no employment which they could obtain and that this case was an emergent one."

Such are the statements which arrest the attention of the social worker, who, grateful for the expansion of the country-wide social services, is anxious that the needs of the individuals they are set up to serve are not lost sight of between the categories or within the machinery of administration.

EMILY LOGUE

UNIVERSITY OF CHICAGO

Second Annual Report of the Arkansas Department of Public Welfare. Little Rock, 1939. Pp. 124.

Responsibility for the administration of the Arkansas welfare program is centralized in the state department, which determines the activities and responsibilities of the county departments and formulates all rules and regulations by which they administer assistance and services. It is interesting to note that in Arkansas the county boards are appointed by the state board and commissioner from lists submitted by the five constitutional county officials and that the county boards, after investigation by the county staffs, review all applications for assistance and make recommendations to the state department, which has the responsibility for making the final decision in all cases.

The state department consists of the commissioner, assistant commissioner, and six divisions: Social Service, Federal Surplus Commodity Distribution, Finance and Accounting, Services to Crippled Children, Child Welfare, and Research and Statistics. The *Report* outlines the functions of each of these divisions and through brief sketches of their activities reveals a growing recognition of public responsibility for services to individuals in need.

The Child Welfare Division has emphasized community interpretation and training and supervision of staff as a means of improving and expanding its services. Of equal importance is the progress made in the removal of young dependent children from state training schools, county farms, and jails. Through its child welfare services program the number of children under care increased from 147 in July, 1938, to 593 in June, 1939.

Among the new activities in the expanding public welfare program the most significant are the establishment of the Division of Rehabilitation for the Blind, a plan whereby approximately two hundred persons with defective sight will have surgical operations within the next two years, expansion of the services of the Crippled Children's Division through increased staff and improved diagnostic and treatment facilities, and further development of the general child welfare program.

Most informative are the forty-five statistical tables showing expenditures for public assistance and analyzing all assistance programs and supplementary services. It is discouraging to note that the number of recipients and average grants for each of the assistance groups for the month of June, 1939, were less

than for the corresponding month in 1938, in spite of the number of eligible persons receiving no assistance. Old age assistance grants in June, 1939, averaged $6.02 per recipient; grants for blind persons averaged $6.53; while 4,003 cases representing 10,915 children received average grants of $8.14 per case. The state makes no provision for general relief, but the counties appropriated funds for persons temporarily or permanently handicapped and ineligible for other forms of assistance. During June, 1939, average grants of $4.75 were paid to 3,866 cases.

While the *Report* indicates progress in the development of services to dependent children and handicapped persons, it also emphasizes the failure to appreciate the importance of more adequate grants to all assistance groups including general relief. The *Report* contains no estimate of either the actual budgetary deficiencies of those receiving assistance or the number of persons eligible for assistance or services but whose needs are not being met.

M. BRANSCOMBE

UNIVERSITY OF CHICAGO

Biennial Report, California State Department of Social Welfare, 1936–1938. Sacramento, 1938. Pp. 122.

Individual reports of the supervisors of the eleven divisions of the department are presented, together with a Foreword by the director. The Foreword is brief and is limited to divisional organization. The separate reports vary greatly in length and in interest, the most informative and useful material coming from the divisions administering the categorical assistance programs. Tables are usually found at the end of the account of the work of the division.

The federal Social Security Act furthered California's concern for her dependents and encouraged legislation liberalizing the amount of the relief grant and the conditions under which it may be given. An important exception is assistance to the medically needy, and the supervisor of the Division of County Aid to the Indigent Sick analyzes the deficiencies in the law in relation to the development of an adequate medical-care program. Administrative procedures in assistance to the aged were greatly simplified in 1937 when the state office was relieved of the task of reviewing all applications and the centralization of records in the state office was discontinued. Determination of eligibility reverted to the county offices, and the state field staff was given additional responsibility to assist them in proper certification. The result of the change was better co-operation and co-ordination all along the line. Property liens were not required after September 1, 1937, and the law made no provision for claims against the estates of deceased recipients, an omission viewed with disfavor by the Division of Aid to the Needy Aged, which regarded this as a good source of financial recovery. Legislation in 1937 again stressed relatives responsibility, and legal action was

made compulsory in the event of refusal. A study of the financial standing of private institutions for the aged was made jointly with the Division of Boarding Homes and Institutions, but no evaluative comment is offered on this method of care. The amount of the average grant decreased slightly and at the end of the biennium was $32.33 of a maximum $35. The average grant to the blind at the same time was $35.82—the highest amount given by any state with plans approved by the Social Security Board. A state ophthalmologist was added to the staff, and the appointment of an advisory committee of six eye specialists met a real administrative need. The supervisor of the Child Welfare Division, administering the assistance and welfare programs, states that the years of the biennium "have introduced a new era for aid to dependent children in California." The maximum grant of $20 was extended to children under eighteen who had not completed one year of residence in the county. Counties were compelled to pay their share promptly and in cash, not kind, if they were to receive federal reimbursement. The average grant for a dependent child was $15, although the amount was likely to be less if the child were one of a large family. The most important single reason for the discontinuance of aid was the ability of relatives to assume support.

The report of the Division of Boarding Homes, which works closely with the divisions caring for the aged and for children, refers to a "proposed integrated field program. Agents of the State Department in addition to aiding the county welfare departments in the administration of categorical aids, will consult with the accredited agencies, or will investigate and license boarding homes and institutions directly. The Supervisor of the Division will plan the program and render final decisions."

The need for a more adequate and better-trained staff is repeatedly brought out. The supervisor of the Probation Division says bitterly, "We reiterate that poorly trained and overworked probation officers are handicapped from the start and through them the work languishes." The Division of County Relations, created in May, 1938, undertook a survey of the qualifications of the staff already on the job as its first step in interpreting and making effective the personnel qualifications adopted by the Social Welfare Board.

The various reports refer frequently to the legislation of 1937, and it is very evident that the adoption of the Welfare and Institutions Code of that year vitally affected the department and its work. This is nowhere discussed. The *Report* would gain immeasurably if the director would summarize the objectives that the department as a whole hopes to achieve and would review its accomplishments. Some of this may be found in the legislative recommendations which are to be incorporated in a supplemental report, but in the absence of this information it is impossible to have any clear idea of where the department is heading.

CAROL K. GOLDSTEIN

UNIVERSITY OF CHICAGO

Second Annual Report of the Georgia Department of Public Welfare. Atlanta, 1939. Pp. 332.

With the passage of the Welfare Reorganization Act of 1937 the Board of Control of Eleemosynary Institutions of Georgia was abolished and all its duties and powers transferred to the new Department of Public Welfare. By separate enactments the new department was also authorized to administer all forms of public assistance and Services for Crippled Children in compliance with the federal Social Security Act. This omnibus department was organized to provide for a system of centralized control of operations which is effected through seven divisions: Public Assistance, Child Welfare, Crippled Children, Surplus Commodity Distribution, State Institutions, Research and Statistics, and Accounts and Finance.

The relationship of the state department to the 159 county departments is for the most part of a supervisory nature. To facilitate the development of county programs and to co-ordinate the activities of state and local departments, the state was divided into twelve districts with a state representative located in each.

This *Report* includes detailed reports of the activities of each of the seven divisions with separate reports for each of the seven institutions and a comprehensive Index that is invaluable to anyone interested in studying the *Report* in view of the poor organization of the contents. The "Letter of Transmittal" presents a summary statement of the organization and activities of the entire department and makes the recommendation that five million dollars be appropriated for the department in order that all eligible persons might be paid benefits.

The Department of Public Welfare was confronted with a major crisis in the spring of 1939 owing to the failure of the general assembly to pass additional revenue measures at the regular 1939 session and also because of lack of state funds. On May 1, 1939, assistance grants were discontinued in 38 per cent of the cases in the state, affecting 17,487 persons. In addition to the suspensions the amount of grants was reduced in 9,268 cases. As a matter of fact, however, the statistical data reveal little difference in the average grants made in September, 1938, prior to the financial crisis, and in June, 1939. Grants for old age assistance averaged $8.88 in September, 1938, and $8.12 in June, 1939; while the average grants per child for aid to dependent children were $7.87 and $7.52, respectively.

The serious implications of these figures are intensified by the estimates showing approximately 53,712 persons eligible but receiving no assistance owing to lack of state funds. The *Report* gives no clue as to what is happening to these people or to those whose needs for other services are not being met. Financial responsibility for general relief rests entirely with the county and municipal governments. In 148 counties 82,222 cases received average general relief grants of $6.17.

In addition to the disastrous consequences for the people in the state, inadequate funds and political turmoil—which is not mentioned—have played havoc with the administrative and personnel standards of the department. The *Report* points out the limitations of legislative provisions for the protection of children and enforcement of institutional standards; personnel standards are not discussed. Georgia has not seen fit to establish and maintain a merit system, but in view of the recent amendment to the Social Security Act the *Report* states that "such a system will be installed in the Department within a few months."

It is impossible to evaluate the total program reported upon in terms either of adequate care and treatment or of "administrative efficiency and economy." The *Report*, however, illustrates in a striking manner the seriousness of the problem that is confronting Georgia and many other states in attempting to finance a broad public welfare program and reveals the urgency of federal recognition of at least a joint responsibility for all aspects of the program.

M. B.

Report of Social Welfare in Kansas, No. 2. Topeka: State Board of Social Welfare, 1938. Processed. Pp. 51.

This is the second annual report made by the State Board of Social Welfare of Kansas, which was created in March, 1937, and abolished in 1939, when it was replaced by a "State Department of Social Security" with a three-member administrative board. The *Report* is, nevertheless, valuable historically and in some measure is descriptive of the present welfare program in Kansas. It covers the activities of the board during 1938 under the headings of "Public Assistance," "Special Services," "Other Activities," and "Management and Planning." This board was responsible for supervision of the expenditure of more than $11,000,000 (exclusive of surplus commodities) in federal, state, and local funds during the year.

The section on "Public Assistance" includes some data concerning not only old age assistance, aid to the blind, aid to dependent children, and general assistance, which were administered by the Board of Social Welfare, but also a brief discussion of the work of other agencies operating in the state and an estimated unduplicated case count of all families receiving public aid other than C.C.C. and N.Y.A.

The *Report* points out that the figures on grants for old age assistance are not entirely comparable with those of other states because it was the practice in Kansas to make joint grants when both husband and wife were recipients while most of the surrounding states made individual grants. In December, 1938, 22,117 checks were distributed for the benefit of 34,739 persons. The average of $19.63 (an average of payments), which is given in the *Report*, is misleading to the casual reader. Taking from the *Report* a figure of $434,000 as the total expenditure for old age assistance to the 34,739 beneficiaries in De-

cember, we find that the average is not quite $12.50 per person—a fact which is not brought out.

In December, 1938, 190 out of every 1,000 persons sixty-five years of age or over received old age assistance in Kansas. Corresponding ratios in neighboring states were Oklahoma, 547 per 1,000; Colorado, 468; Nebraska, 275; and Missouri, 239. The average for the country as a whole was 224. One probable explanation of the low Kansas ratio is that Kansas has traditionally placed responsibility for relief on its local units. Even through the stringent years of the depression state aid consisted largely of legislation enabling the counties to plunge themselves further in debt to finance relief costs, while constitutional limitations were allowed to prevent Kansas from putting up any substantial sum of state money to help finance the E.R.A. Former Governor Landon achieved his famous "balanced budget" at the expense of the local communities and the federal government, and even after the federal Social Security Act was passed there was a year's delay before a constitutional amendment made state participation possible. The new legislation even then placed major responsibility for financing the program on the local communities, whereas various neighboring states have state-financed old age assistance programs.

In 1938, according to this *Report*, Kansas participated "to the extent of 30 per cent of the approved social welfare expenses" in each county *after the cost of county administration and federal participation* had been deducted. Of $9,308-677 spent for public assistance in Kansas in 1938 (exclusive of administrative costs) 28.8 per cent came from the federal government, 26.6 per cent from state funds, and 44.6 per cent from county funds. Many of the counties in Kansas, as in surrounding states, are too poor to finance an adequate welfare program. During 1938 the state helped to some extent through the use for equalization purposes of what is called an "emergency welfare fund," but this totaled only $600,000. In fifteen counties that benefited under this fund state participation was brought up to 50 per cent of the approved payments after federal participation had been deducted.

It is only fair to point out that during the existence of F.E.R.A. Kansas developed a tradition of good local welfare administration, which may have been reflected in more careful investigations concerning eligibility than was the case in certain of the neighboring states.

The entire program of aid to the blind in Kansas was co-ordinated under the State Board. This included cash payments under social security and a program of prevention of blindness through education and surgical and medical treatment; and plans were being initiated for a vocational program.

Children in Kansas fared better, with an average grant of $28.47–$30.54 per family under aid to dependent children, than did those in Nebraska or Oklahoma, but only 4,643 families were being given aid at the end of the year.

One of the most interesting sections of the *Report* deals with Child Welfare

Services. It includes a history of the first three years of participation in federal funds for the development of a program of care in rural areas and areas of special need. The current program, which includes eight county child welfare units, is discussed together with the philosophy and objectives of Child Welfare Services.

Services for veterans, for which there was a special division in the Board of Social Welfare (manned by a director and five veterans paid on a fee basis), and services to private agencies are discussed briefly. Kansas has gone further than many other states in granting to its public department authority to license all private agencies in the state.

Miscellaneous other activities included commodity distribution, certification for W.P.A. and N.Y.A., selection for C.C.C., and investigation for F.S.A.

More space might have been given the in-service training program which is financed from public assistance administrative funds in Kansas and has a well-qualified director.

On the whole, the *Report* is a brief generalized description of the activities undertaken by the State Board during 1938. It is extensive but not intensive enough to satisfy the student of public welfare, who would like to know more about the quality of the services rendered and about the weaknesses in the public welfare structure.

Average assistance grants, county by county, would be more useful than a description of the size and shape of leaflets dealing with blindness. In a state with highly localized administration and financing the level of assistance must have fallen far below the state average in many of the mining and dust-bowl counties. A state average is meaningless here as a measure of the provision for meeting the suffering of individuals. There is also no discussion of the procedure in use for conducting fair hearings—an administrative problem of great importance.

There is some mention of the need for a system of tax equalization to permit the assistance load to be distributed more equally. At another point there is mention of the need for legislative changes to include a clear definition of the authority of the State Board; additional state funds; provision for a merit system and clarification and "strengthening" of the provisions regarding legal settlement. The latter recommendation—a strange one for a welfare department to make—was carried out with a vengeance by the 1939 legislature, which increased the requirement for eligibility to general assistance from one year to "five years out of the last nine" in the state, including one year in the county immediately preceding application.

This reviewer fully appreciates the difficulties of adequate reporting in the face of limited funds and under the pressure of organizing or reorganizing a welfare department and is grateful to have even this brief account of progress made in 1938 in Kansas.

GRACE A. BROWNING

UNIVERSITY OF CHICAGO

First Annual Report, Montana Department of Public Welfare, 1938. Helena. Pp. 138.

This is the first *Report* of the Montana Department of Public Welfare since its establishment on March 4, 1937. The department administers the assistance programs of the Social Security Act and co-ordinates the activities of the previously existing Montana Relief Commission, State Board of Charities and Reform, State Bureau of Child and Animal Protection, and State Orthopedic Commission. The State Board of Public Welfare is composed of five members named by the governor. The state administrator is selected by the board with the approval of the governor. The department functions through county boards of welfare, which are composed of the elective county commissioners of each county. The county boards are required to select personnel from a list furnished by the state department, based on a merit test by examinations.

The *Report* includes a review of the historical development of public welfare in the state since territorial days, followed by descriptions of the activities of the department through its various divisions. According to the Public Welfare Act the responsibility for general relief and medical care remains primarily with the counties. The state department is, however, authorized to give grants-in-aid to those counties unable to meet these expenses as well as their required contributions to the categorical assistance of the Social Security Program. The cost of general relief and medical care to the counties is not given in the *Report*. Figures are presented showing the amount of state funds expended for general relief, but it would be of great interest to know what proportion this was of the total cost. A startling fact is shown in the figures of expenditures for old age assistance, the cost of which was greater than of all other forms of assistance combined.

The *Report* includes some recommendations among which is clarification in the Public Welfare Act of state and county responsibility for general relief, social security programs, assistance to ward and non-ward Indians, and financing of foster home care for dependent children. It is interesting that there is a discussion of the merits of the present composition of the county boards of welfare as contrasted to those of nonpolitical boards, but no change is recommended. The report of the Division of Charities and Reforms is of particular interest as a number of suggestions are made to remedy the antiquated provisions for care in county jails and poor farms. The district hospital-home is strongly advocated and has replaced the poor farm in some few sections of the state. Detailed reports of the various state institutions for the mentally and physically handicapped and the delinquent are not presented. It would have been of value had such reports been included.

There is an interesting discussion of a plan for "home security," which sponsors the building of incentive for home-ownership through making the home exempt from taxes of all kinds, legally prohibiting liens or mortgages on the home or sale of the home except under well-defined conditions.

The *Report* indicates that Montana has made noteworthy progress in the field of public welfare in a relatively short period of time and has succeeded in coordinating the welfare activities of the state, excluding health, under one department. The introduction of the merit system when the department was first set up is of particular importance in its development. The *Report* is somewhat lacking in conciseness and clarity of presentation and interspersed throughout are philosophical and biblical quotations, the value of which in a report of this kind may be questioned. On the whole it is most interesting and gives valuable information.

J. DUNCAN

UNIVERSITY OF CHICAGO

Public Assistance in Oregon, 1938. Portland: State Public Welfare Commission, 1938. Pp. 84.

This concise *Report*, largely financial, while of certain interest, is of limited value to the social worker who would wish more analysis of problems or definition of objectives in the state program. However, the outline of the plan of administration of services by the State Public Welfare Commission and the county welfare commissions is satisfactorily given, while the inclusion of the statutes is commendable.

Two of the social security programs became effective in Oregon through the passage of proper legislation at a comparatively early date—the old age and the blind assistance programs in April, 1936. Federal aid to dependent children, however, was not granted until June, 1937, following the repeal of the Oregon statute providing for administration of mothers' aid by the county courts. Child welfare services in rural areas also became effective in 1936, although the crippled children's program was not begun until 1938. The relation of the State Public Welfare Commission to the C.C.C., to the certification to W.P.A., to N.Y.A., and to Distribution of Surplus Commodities is adequately presented.

The general assistance program in Oregon is set up on a matching state-county basis. Residents are aided from a fund varying from 50 to 80 per cent of state money and from 50 to 20 per cent of county money. Those who do not meet the residence requirement of three years in the state are given "temporary aid from state funds alone," and costs of administration are paid by the state. It is in connection with this section of the *Report* particularly that the social worker would like further information: who, for example, are cared for on the county farms, which seventeen out of the thirty-six counties are operating and which in some of the counties would seem to bear a relatively high cost of the total general assistance program.

In revising the old pauper law into the general assistance program Oregon has retained the provisions for settlement and relative responsibility. Some analysis

as to the effectiveness of these outmoded requirements in the administration of a modern public welfare program would be valuable and timely.

It is to be noted, also, that while the revised statutes have made great strides in centralizing the public assistance programs and with the absorption of the Child Welfare Commission by the Public Welfare Commission have begun a wider centralization, they have not gone the whole way in a plan for the correlation or integration of public welfare. State institutional services to handicapped groups, as the blind, deaf, insane, and feeble-minded, are not related to the program, nor is there any supervision of the "funds for maintenance and supervision of county institutions."

MARGARET CREECH

UNIVERSITY OF CHICAGO

First Annual Report, Tennessee Department of Public Welfare. Nashville, 1939. Pp. 117.

Prior to the enactment of an amendment in January, 1939, the Tennessee Department of Public Welfare was one division of the Department of Institutions and Public Welfare created in 1937. The amendment, providing for two separate departments, centralized in the Department of Public Welfare the responsibility for the direct administration of all forms of public assistance, certifications to federal agencies, administration of child welfare services, licensing and inspection of private child-caring institutions, distribution of surplus commodities, and the administration of Confederate pensions.

The unique structure and organization of this highly integrated system is of interest to social workers and public administrators. The commissioner, who is appointed by the governor and is administratively responsible to him, is the executive head and administrative officer of the department. The organization of the department consists of seven divisions, each headed by a director and responsible to the commissioner. The program operates through ten regional directors who are responsible for the administration, supervision, and interpretation—subject to the direction of the state department—of all welfare activities in the unit offices established in each of the ninety-five counties.

There are no state or local boards created by statute; however, an interesting feature of the development in Tennessee has been the organization of numerous lay committees, both on a state and on a local basis, which have served in an advisory capacity and have been valuable instruments in community co-operation and interpretation. The effectiveness of these committees is demonstrated by the improved services and care for children. Tennessee is one of the few states that has recognized the importance of placing responsibility for all services and assistance to children in the same administrative unit. The Division of Child Welfare is charged with the care and protection of all children, including

the administration of aid to dependent children, child welfare services, and inspection and licensing of private child-caring institutions.

This *First Annual Report* of the new department is an admirable one and reflects a sound philosophy of public responsibility and social case work which has evolved through twenty years of experience. The organization of the material indicates perspective and constructive efforts to co-ordinate and integrate all welfare activities. The *Report* opens with a brief historical review of the development of public welfare in the state, which is followed by an explanation of the organization of the department and an organization chart. The narrative material and statistical data are arranged in seven chapters with such titles as "General Administration," "Services to Adults and Youths," and "Financial and Statistical Data." It gives an excellent account of the functions, activities, and expenditures for all purposes, together with specific recommendations and plans for future development.

The department has attempted to give grants adequate to meet basic needs of recipients and in order to adhere to this principle has in no instance given benefits where it meant reducing the grants already approved. Although there were 15,450 persons eligible for old age assistance and 4,122 families representing 10,047 children approved for aid to dependent children who received no benefits, average grants of $13.21 were paid to 21,206 old age assistance cases and 9,590 families representing 25,421 children received average grants of $18.35 per family.

The department is cognizant of the importance of a competent, trained staff and is making progress in raising personnel standards through supervision, in-service training, and granting leaves for professional education. The historical pattern of institutional care, the small number of trained social workers in the state, and the lack of understanding of modern concepts of social case work and public assistance on the part of the general public are factors that have delayed development. Consequently, emphasis has been placed upon interpretation and dissemination of factual information for the entire program. A number of studies have been made in order to establish a concrete basis for administrative planning and interpretation.

This *Report* is of primary importance as a part of this program and marks a real advance in the development of public welfare in Tennessee.

M. B.

Ninth Biennial Report of the Texas State Board of Control for the Biennium Ended August 13, 1938. Austin, 1938. Pp. 125.

Like many reports of boards of control, the interest of the governor, to whom the *Report* is addressed, is assumed to be first in the business transactions, the purchasing, the printing, and the amount of expenditures. The board has under its management twenty-one institutions, eleemosynary and correctional, Indian reservations, public office buildings, the state cemetery, and seven state parks.

The board replaces four state officers and eighteen state boards, and it is not surprising that many matters engage its interest so that the persons for whom the services are created and maintained can be brought to the attention of the reader only when other important matters have been dealt with. For the social worker there is special interest in the establishment of the Division of Public Welfare in the Board of Control by combining former divisions of child welfare and relief. Under this division is Child Welfare Services, which co-operates with the United States Children's Bureau under the Social Security Act. This authority has made a study of the boys of the State Training School for Delinquent Boys to appraise the state program of treatment and commitment practices, to consider a possibly better plan for the younger boys, and to attempt to emphasize preventive work. They hope to make a special study of delinquent Negro children. A study of 648 court records was made to establish better relations with courts; conferences were held and committees formed in Houston and Dallas to study the needs of the unmarried mother; the licensing law was tested with the result that a boarding-home for children operating without a license and in ways dangerous to children was closed. The work of this authority is another evidence of the wise provision in the Social Security Act that authorizes the Children's Bureau and the state officials to make joint plans.

As to other groups for whom the board is responsible, it was anticipated that all the insane would be out of the jails and under state care by June, 1939; the state institutions face the difficult problems of the senile; Texas has a problem in late commitment of the mentally ill and also the difficulty of inadequate compensation for the institutional staffs.

Brief accounts are given of the institutions for delinquent girls, delinquent boys, the blind, the crippled, the deaf, etc. There are many figures about the physical equipment, the farm, and livestock—all of which is important. The volume is, however, a small volume of 125 pages, and the welfare services are naturally somewhat overshadowed by the physical, economic, business, and agricultural interests.

Since the publication of the *Report* the legislature has established, May 31, 1939, a Department of Public Welfare consisting of a State Board of Public Welfare of three, an executive director, and such other officers and employees to carry out the purposes of the act. The board is policy-making. This department is authorized to co-operate with the Social Security Board. The report of this department will take on quite a different form from that of the Board of Control, to which this comment has been devoted.

S. P. B.

Biennial Report of the Department of Public Welfare, State of Vermont, June 30, 1938. Montpelier, Vt., 1938. Pp. 204.

This *Report* shows a great need of more efficient organization for welfare interpretation. Of the work of the different institutions, especially the prisons,

there have been several special investigations with recommendations for very definite reorganization and reconstruction in the administration of the penitentiary. Both the Osborne Association and the Federal Prison Industries Reorganization, as well as a complainant from Burlington, made thorough studies, which served as the basis for several constructive suggestions. There are a number of interesting features of the welfare development. Vermont co-operates through this department with the Social Security Board in Old Age Assistance, Aid to Dependent Children, and Blind Assistance, and with the United States Children's Bureau in the Child Welfare Services. There is a Central Index made possible by the use of Civil Works and their Works Progress project. There is also a state-wide service for probation and parole with six full-time probation officers. There are many evidences of reorganization in the form of the establishment of advisory boards, of longer terms of office, of better co-ordination among the services, and of increased personnel. The tone of the *Report* is touchingly sincere in its recognition of these weaknesses.

The 1939 legislature provided on April 15, 1939, for the establishment of psychiatric clinics in the department. The services were to be made available to the Institution for the Insane, for the feeble-minded, and for children under the care of welfare agencies, and to judges of the municipal, probate, and district courts.

S. P. B.

Virginia State Department of Public Welfare, Biennial Report, 1938–1939. Richmond, 1939. Pp. ix+122.

This *Report* is of special interest as it is the first to describe the operation of Virginia's new public assistance program inaugurated July 1, 1938. The *Report* embraces chiefly the operating activities within the State Department of Public Welfare for which the commissioner and the State Board of Public Welfare are legally responsible. Detailed accounts of the work of state mental hospitals, penal and correctional institutions, and the Virginia Commission for the Blind are not included as the authorities controlling these functions prepare individual reports.

The Public Assistance Act of 1938 placed the administration of old age assistance, aid to dependent children, and general relief under the commissioner and the State Board of Public Welfare. A general state appropriation was provided for these categories, with discretion being given to the State Board to allocate funds for each type of assistance. A definite appropriation was made for Aid to the Blind, the administration of which was placed with the Virginia Commission for the Blind. The act provided that circuit judges appoint local welfare boards to administer all forms of assistance. Activities of local offices, under the control of their respective boards, pertain largely to assistance and relief, but include

broad responsibilities for all general welfare matters including mental deficiency and delinquency, as well as dependency.

The new Public Assistance Act became operative September 1, 1938. This *Report* therefore covers only the first ten months of operation and naturally does not give a complete picture of the extent of need or the full cost of assistance programs. Funds allocated by the State Board for Old Age Assistance were sufficient to care for 15,000 persons at a monthly award of $10.50. By June 30, 1939, after ten months, 15,237 persons had been declared eligible, the average grant per award being $9.63. While the maximum award for old age assistance was $20 a month, only 4.1 per cent received the maximum. The old age program, at the close of the biennium, had achieved approximately one-third coverage of estimated needy persons. Under the aid to dependent children program, at the rate of expenditures in June, 1939, the annual cost will be $281,196 for 1,041 cases of 3,441 children, at an average monthly award of $22.51 per family. Coverage under the A.D.C. program was also approximately one-third of those needing help.

Although Virginia's assistance program has been in operation only a short time and funds are inadequate to meet present needs, the results from the standpoint of co-ordination and administration are encouraging. A very simple and most accurate method of financial control has been developed. An honest attempt has been made to secure trained and competent personnel, about the importance of which the commissioner writes as follows:

> The effective and economical administration of welfare services presupposes the employment of competent technicians, just as satisfactory bridge building requires competent engineers. . . . . Inadequately trained and inexperienced personnel can spell disaster to the public business as readily as to private undertakings, and no public official is worthy of his office who does not constantly strive to secure a dollar's worth of service for a dollar of taxes.

The Public Assistance Act is so drafted that the state can extend benefits with full knowledge of not only the objectives sought but also ability to finance such expansion. Future improvement in the program will depend largely on the willingness of the general assembly to increase appropriations for assistance purposes.

While the greater part of the *Report* is concerned with activities relating to the new assistance program, no less important are the sections dealing with the children's bureau, mental hygiene, service to veterans, the C.C.C., surplus commodities, and inspectional work in jails and other institutions. Valuable institutional statistics of both public and private agencies are contained in the final section. A distinguishing feature throughout the *Report* is the forceful and accurate manner in which real conditions and needs are presented.

ROGER GRANT

UNIVERSITY OF CHICAGO

Working Toward Social Security: Biennial Report, Washington State Department of Social Security, 1937–1939. Olympia, 1939. Pp. iii+47.

This report of the work of the Department of Social Security for the first biennium of its existence was designed primarily for readers with little or no knowledge of the difficulties involved in the administration of a large-scale public assistance program. Presented in a nontechnical manner the report gives detailed description of the purposes and functions of each of the various categories of assistance and service offered through the department to needy persons in the state. A brief historical sketch of the development of public relief in the state and a more detailed history of the present department for the period covered by the *Report* are included. The *Report* serves well its principal purpose of interpreting to the public the scope and nature of the department's work, the organizational and financial problems involved, and the many aspects of an undertaking designed to meet the primary needs of human beings in which individual attitudes and feelings must be considered.

More technical readers, however, will note the lack of material upon which to base an evaluation of the work of the department on a county as well as a state level. Actual administration of public assistance in Washington rests with the boards of county commissioners through county welfare departments. State supervision is exercised largely through budgetary control and a state administered merit plan for the control of personnel. Of seven charts and tables which present the number of recipients and the amount of obligations incurred in each of the various relief groups, only one—the amount of obligations incurred—is broken down into county units.

The *Report* covers a description of the work of the department's six major divisions, which include all assistance and service programs under the Social Security Act—old age assistance; children, including aid to dependent children, and the inspection of licensing of boarding homes and institutions; blind, including vocational rehabilitation, prevention, and aid to the needy blind; general assistance; unemployment compensation; and employment services. The latter two programs were transferred to an independent commission by the legislature in 1939. A description of the work of state and county advisory committees which were created to study and advise on problems of prevention and administration relative to public assistance is included.

All public welfare officials and workers will find the report of especial interest because of its interpretative nature.

JAMES LEAKE

UNIVERSITY OF CHICAGO

Schooling in an Emergency. Circ. 1474 (29th August, 1939), Board of Education. London: H. M. Stationery Office, 1939. Pp. 27. 6*d*.

This short pamphlet presents suggestions for the education of children who would be removed from the more vulnerable areas of England to areas of safety,

were war to come. It deals with the adjustment which would be necessitated by the visiting schools and also the important and added responsibility of these teachers of children away from their own homes and parents. The school would be taking on much of the responsibility for leisure hours as well as school hours.

One is impressed with the thoughtful and serious plans considered in making certain the educational program would not be sacrificed and that all effort be expended to keep the children happy and emotionally fit for educational opportunities.

W. WALKER

Ninth Annual Report, Division of Parole, Executive Department, State of New York, 1938. Legislative Document, 1939, No. 10. Albany, 1939. Pp. 223.

In New York the Division of Parole is not in the Department of Corrections as in Massachusetts or in the Department of Institutions or of Welfare as in New Jersey or Illinois, but is in what is known as the Executive Department and is therefore responsible directly to the governor. The parole authority is a revolving board of three appointed by the governor for terms of six years. The acting executive director is the able and experienced Frederick A. Moran, whose reports have been such important contributions to the documentary literature in the correctional field.

This *Report* gives interesting information with reference to the organization of the board, which maintains offices in Albany, Buffalo, and New York City, each under the charge of one of the three members of the board, and has under its jurisdiction, from the point of view of the release of prisoners, the seven state prisons, the Elmira Reformatory, and normal prisoners transferred to the Woodbourne Institution for Defective Delinquents.

The administration is under an act of 1930, and since that time the board has been seeking to discover a scientific basis for its activities. The board, as has been said, has set up three offices, of which the one in Albany is regarded as the central office. There is a case supervisor in charge of statistics and research, and one senior parole officer directs all investigations while another senior parole officer is in charge of out-of-state co-operative and deportation cases and acts as liaison officer between the district offices and the institutional parole representatives. In the Albany district there are twenty-one counties, and the professional staff consists of a senior parole officer and nine parole officers. This office deals with about 11 per cent of the active cases.

Under the Buffalo office there are twenty-seven counties, and in this office there are a case supervisor, a senior parole officer, and nineteen parole officers, and the office deals with about 20 per cent of the active cases.

Under the New York office there are fourteen counties. The staff consists of a chief parole office whose functions are state wide, three case supervisors, five senior parole officers, and fifty-three parole officers, besides an employment

supervisor, two employment officers, two executive clemency investigators, and one warrant and transfer officer. In all, the division at the end of the year 1938 employed 225 persons.

Since the enactment of the 1930 law the board has been concerned with the development of a scientific procedure and has kept careful records of the men who have been under its care, and this *Report* contains an elaborate statistical statement concerning its actions with reference to those men. Certain social data such as age, sex, and color are likewise given, and the figures are organized with reference to the kind of sentence imposed and with reference to the nature of the institution from which the prisoner came. This is not related to the separate institutions nor is any notice of the effect on the prisoner of the series of experiences undergone as an accused person. The total number of persons under jurisdiction for part or all of the year was 10,493, of whom 9,096 had indeterminate and 1,397 definite sentences. This *Report*, therefore, gives the detail of experience with reference to those under active supervision, the deportation cases, the warrant cases, and the repatriation cases.

For each group the figures are given showing the proportion of applications granted, the number released, the number returned for parole violation, the number released for a second or third trial, and finally the number discharged.

The appendixes supply the laws relating to parole and to commutation and compensation, opinions of the Department of Law, the appropriations made for this service, totaling $589,595, and a statistical summary.

Whether or not a scientific understanding can be extracted from these statistics must be a matter of opinion. Some relation of the man to his early life or to various experiences in the course of his being found guilty would seem more clearly to indicate paths toward successful treatment. Some case histories of the conditions out of which success seemed to be wrung or from which failure seems to arise might give the reader a clearer idea of the case work done and the extent to which the work has been put on a basis of true professional service. The *Report* makes clear, however, the definiteness of purpose governing the entire administration.

S. P. B.

The Attorney General's Survey of Release Procedures. UNITED STATES DEPARTMENT OF JUSTICE. Vol. I: *Digest of Federal and State Laws on Release Procedures*, pp. 1228; Vol. II: *Probation*, pp. 481; Vol. III: *Pardon*, pp. 323; Vol. IV: *Parole*, pp. 664. Washington, D.C.: Government Printing Office, 1939. $3.00 a set.

This monumental publication is made possible by the use of W.P.A. assistance but expresses the desire and intention on the part of the United States Attorney-General to do whatever is possible in the development of a national understanding of our criminal-law administration and its procedures. As a matter of fact, the entire treatment of criminal law should be national in its scope. The sources of crime are not only state wide but nation wide and world wide,

and unfavorable conditions anywhere may suddenly give rise to situations that must be dealt with at far-distant points. In spite of these facts, the actual administration of the criminal law is highly local. The doctrine of venue takes the final decision in the case of an individual to a particular locality, and there may be no relationship between the conditions giving rise to the individual's behavior manifestations and the facilities available in that jurisdiction for treatment. Contributions of this kind are, therefore, very important: first, because of the information they contain; and, second, because coming from a highly respected legal source, both the content and the fact of publication will have their effect on judges and members of the bar.

These four volumes deal with release procedures. The first one contains a summary or an analysis of the statutes of each of the forty-eight states and the federal government. The analysis includes such points as suspension, probation, parole, executive clemency, good time, and expiration of the sentence.

The volume on *Probation*, of special interest to social workers, traces the history and development of this comparatively recent method of treatment, describes the organization of probation departments, discusses personnel, and reviews the selective process with reference to eligibility and investigation. There is a review of the methods of control and the methods of release used in the various states, and an especially interesting chapter is devoted to the subject of judges and their relation to this new procedure. Interviews were held with two hundred and seventy judges, and the conclusion is reached that they are in need of much educational assistance with reference to the possibilities of this procedure which is so different from that either of fining or imprisonment.

The authors are clear that social case work is the basic element of successful probation, and they are also convinced that with all its weaknesses probation is far better than imprisonment. They frankly admit, however, the impossibility of obtaining information as to what is done in great numbers of jurisdictions, and they find, where they are able to obtain information, in many instances a highly political attitude on the part of judges toward the use of their power to appoint the probation officers. They find that where civil service is applied the standards of selection are higher than where the selection is left to the unfettered discretion of the judge.

The third volume deals with the difficult subject of *Parole*, and this again, is treated with objectivity, social intelligence, and constructive statesmanship. Special attention is directed to the differences between the task of selection for parole and supervision of parolees, of which again social case work is held a basic condition of successful work.

The fourth volume contains an extremely interesting history and discussion of the power of pardon. These four volumes, which can be obtained from the United States Superintendent of Documents at modest cost, should be in the offices of agencies whose work brings them into contact with the criminal courts.

S. P. B.

CONTRIBUTORS

MAX RADIN is professor of law in the School of Jurisprudence, University of California.

ADENA M. RICH (Mrs. Kenneth F. Rich) is director of the Immigrants' Protective League of Chicago and lecturer on immigration in the School of Social Service Administration. She has organized naturalization classes for the adult-education program in Chicago. A resident of Hull-House from 1917 to 1937, she was Head Resident from 1935 to 1937.

RUTH VELMA SCHULER is connected with the staff of the Children's and Minors' Service of the Chicago Relief Administration.

CHARLOTTE TOWLE is associate professor of psychiatric social work in the School of Social Service Administration.

JOHN M. GLENN, general director of the Russell Sage Foundation from 1907 to 1931, was president of the National Conference of Charities and Correction in 1901. Since his retirement as director of the Russell Sage Foundation he has been trustee of the Foundation and a member of the Regional Plan Association of New York.

ROBERT T. LANSDALE, a member of the faculty of the New York School of Social Work, was in recent years administrative assistant to the Commissioner of the United States Bureau of Indian Affairs, director of special studies for Governor Lehman's Unemployment Relief Commission, and in charge of a series of studies of the administration of old age assistance for the Committee on Public Administration of the Social Science Research Council.

R. CLYDE WHITE is professor in the School of Social Service Administration and the author of a recent "Social Service Monograph" on *Administering Unemployment Compensation.*

MABEL NEWCOMER is chairman of the department of economics, Vassar College, and has lectured on taxation and public welfare at the School of Social Service Administration.

PORFIRIO DIAZ is on the staff of the Community Centers Section of the Puerto Reconstruction Administration.

PAUL S. TAYLOR, associate professor of economics, University of California, and president of the California Rural Rehabilitation Conference since 1935, has been consultant economist of the Social Security Board since 1936.

HAZEL KYRK is associate professor of home economics and economics, University of Chicago.

GAYLORD W. ANDERSON, M.D., is professor and head of the department of preventive medicine and public health, University of Minnesota Medical School, Minneapolis.

DOROTHY V. WHIPPLE, M.D., is a member of the medical staff in the Division of Research in Child Development, United States Children's Bureau.

LEWIS MERIAM has been a member of the staff of the Institute for Government Research, now a part of the Brookings Institution, since 1920. Social workers will remember him also as the first assistant chief of the United States Children's Bureau and for his valuable study of the administration of the Bureau of Indian Affairs. In 1935–36 he gave courses in public administration in the Political Science Department of the University of Chicago and in the summer of 1937 courses in public personnel problems for the School of Social Service Administration.

EDA HOUWINK is a field-work supervisor in the School of Social Service Administration.

FAY L. BENTLEY is judge of the Juvenile Court of the District of Columbia.

RICHARD EDDY, instructor in child welfare in the School of Social Service Administration and supervisor of the School's field work in probation since 1936, was formerly probation officer in the Baltimore area.

WINTHROP D. LANE directed the work of the New Jersey Delinquency Commission and is the author of various books and articles on prison parole and juvenile delinquency.

JAMES BROWN is instructor in the School of Social Service Administration.

GRACE A. BROWNING, assistant professor in the School of Social Service Administration and joint author with Elizabeth S. Dixon of *Social Case Records: Family Welfare* (1938), was formerly director of social service, Oklahoma Department of Public Welfare.

FLORENCE M. WARNER is chairman of the social science department, Connecticut College.

VICTOR S. YARROS, of Chicago, is a well-known journalist.

ELSA CASTENDYCK, director, Delinquency Division, United States Children's Bureau, attended the sessions of the Social Questions Committee of the League of Nations as the representative of the bureau during the past summer and then visited various countries to study the problems of care for refugee children.

WILMA WALKER is associate professor of case work and registrar of field work, School of Social Service Administration.

MARY ZAHROBSKY, formerly on the staff of the United States Children's Bureau, is a research assistant in the School of Social Service Administration.

MARTHA BRANSCOMBE is a field-work supervisor in the School of Social Service Administration.

CAROL K. GOLDSTEIN is a field-work supervisor in family welfare in the School of Social Service Administration.

MARGARET CREECH is assistant professor in the School of Social Service Administration.

EMILY LOGUE, a graduate student in the School of Social Service Administration, was formerly a member of the staff of the New Mexico State Department of Public Welfare.

JEANETTE DUNCAN, a graduate student in the School of Social Service Administration, was formerly employed by the Montana Department of Public Welfare.

ROGER GRANT, a graduate student in the School of Social Service Administration, was formerly employed in the Public Welfare Department of Virginia.

JAMES LEAKE is a field-work supervisor in the School of Social Service Administration and was formerly connected with the Oregon Public Welfare Department.